HOUSE OF REPRESENTATIVES—*Thursday, April 30, 1992*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us we pray, O God, the gift of faithfulness. We recognize the demands for decisions that are on every side and we experience the competing voices and the range of motivations that call for our attention. Yet, we earnestly pray, gracious God, that in our thoughts and words and actions we will, above all else, be faithful to the high calling that Your Word has given to us. For You have shown us, O God, what is good—to do justice, to love mercy, and to walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Mississippi [Mr. MONTGOMERY] to lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRESIDENT BUSH'S EXTENSION OF MORATORIUM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, Government regulations levied on American businesses cost taxpayers $400 to $500 billion every year sucking precious resources and vitality out of our economy. Congress passes these regulations in the name of the American consumer who picks up the tab for Government's great ideas each time a product is purchased whose price includes the rising expense of complying with an ever-increasing array of Government requirements.

President Bush has made a commitment to reducing the regulatory burden on our economy. Yesterday, he announced the extension of the moratorium for another 4 months.

The success of the moratorium is undeniable. The number of rules proposed by Federal regulators has been cut in half. This cut, combined with an aggressive effort to revise current regulations, could save $10 to $20 billion in business costs passed on to consumers. Reforms that have taken place since January 28 will save Americans at least $15 to $20 billion per year or $225 to $300 per family per year.

I applaud President Bush for taking this critical action and commend Vice President DAN QUAYLE for the good hard work of the Council on Competitiveness in working to restore fairness to American consumers and competitiveness to American businesses.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Richard von Weizsaecker, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, April 9, 1992, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY PRESIDENT RICHARD VON WEIZSAECKER OF THE FEDERAL REPUBLIC OF GERMANY

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort His Excellency Richard von Weizsaecker into the Chamber:

The gentleman from Missouri, Mr. GEPHARDT;

The gentleman from Michigan, Mr. BONIOR;

The gentleman from Maryland, Mr. HOYER;

The gentleman from Florida, Mr. FASCELL;

The gentleman from Illinois, Mr. MICHEL;

The gentleman from Georgia, Mr. GINGRICH;

The gentleman from California, Mr. LEWIS; and

The gentleman from Michigan, Mr. BROOMFIELD.

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Richard von Weizsaecker into the Chamber:

The Senator from Maine, Mr. MITCHELL;

The Senator from Rhode Island, Mr. PELL;

The Senator from Illinois, Mr. SIMON;

The Senator from Virginia, Mr. ROBB;

The Senator from Hawaii, Mr. AKAKA;

The Senator from Kansas, Mr. DOLE;

The Senator from Mississippi, Mr. COCHRAN;

The Senator from Indiana, Mr. LUGAR; and

The Senator from South Dakota, Mr. PRESSLER.

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 3 minutes a.m., the Doorkeeper announced the President of the Federal Republic of Germany.

The President of the Federal Republic of Germany, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency Richard von Weizsaecker, President of the Federal Republic of Germany.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY PRESIDENT RICHARD VON WEIZSAECKER OF THE FEDERAL REPUBLIC OF GERMANY

President VON WEIZSAECKER. Mr. Speaker, Mr. President, distinguished Members of Congress, honored guests, may I, to start with, refer to the "Sleeping Beauty," by which, of course, I do not mean this august assembly after having been exposed to a few sentences of mine, but the classical ballet which will be presented tonight as part of my invitation to the Kennedy Center for the Performing Arts. What is the significance, so I have been repeatedly asked of showing this ballet tonight?

I will not venture to renarrate that age-old German fairytale, but let me try to give you a parable: You might, if you like, attribute the active role of the story, that of the prince, to America. For the "Sleeping Beauty" I leave the role for your imagination to pick, but here is my offer for this morning:

The "Sleeping Beauty" is "life, liberty and the pursuit of happiness" for all mankind, kissed awake by the prince. Following his first astonishing success more than 200 years ago, he moved on to continue his blissful mission and reached—about 2 years ago—Eastern Europe including the eastern part of my own country. As we all know, some more kisses may be needed to unveil the full beauty, but there is confidence in his ongoing irresistible drive.

[Applause.]

Mr. Speaker and Mr. President, thank you for giving me the floor. It is an outstanding honor for me to speak as the first head of state of United Germany to the Congress of the United States of America. I will say a few words about American-German relations, past, present, and future.

It is an exceptional story. Back in 1867, Senator Charles Sumner from Massachusetts wrote: "God grant that the day may soon dawn when all Germany shall be one." At the time, your Nation had just concluded a bitter civil war. In the meantime, my country and its neighbors had been through a period of sharp divisions, ideological struggle, devastating nationalism, dictatorship, and crime against humanity. But in the light of recent developments, Senator Sumner's vision reflects the inspiration and assistance we, Germans, have received in the lifetime of my generation from you, from America and its people.

When misery prevailed in Europe after World War II, America reached out and helped in a magnanimous way unparalleled in the history of victorious world powers. That support was intended for everyone, including defeated enemies. America gave expression to its own dignity by honoring the dignity of other peoples.

More than 10 million soldiers served far away from home in Europe over the span of half a century, on watch for liberty, culminating in the unforgettable Berlin airlift when that city was cut off from its supplies by Stalin's blockade.

You helped us recover and rebuild a solid democracy. Together we grew into a reliable partnership and forceful alliance that finally helped in a crucial way to bring about the end of the division of Europe. We, Germans, will never forget the warm wave of sympathy among American citizens when the wall in Berlin came down. And then for the first time in my country's history unity was achieved without threat or violence, in accord with all neighbors and in unfaltering continuation of our values and alliances. This development exceeded all dreams and expectations. It would never have been accomplished without the decisive support and leadership of the United States of America.

I have come today to express the gratitude of the German people to you, Mr. Speaker and Mr. President, and through you to the citizens of this great Nation: Thank you, America.

[Applause.]

With the successful end of the cold war fundamental changes come about. Centralized Soviet rule and the last colonial empire have gone. A vacuum both of power and order seems to emerge. The heavy hand of social, economic and political suppression rested on Eastern Europe for the longer part of this century. It left peoples renowned in history for their outstanding contribution to culture and humanity out of step with our times. Now we are trying to catch up with admirable energy and endurance, often in desperate need and in all cases with great expectancy.

That expectancy is largely addressed to us in the West. But in our part of the world, too, there is change. Some deeper rooted misgivings and claims which remained under the surface during the overriding East-West conflict are now appearing. In all our domestic debates new quests for orientation arise. Priorities are being reviewed. Governments and parliaments are having a hard time explaining to their constituents wherever and why commitments outside their own society are called for.

Such legitimate challenges have to be taken very seriously. We will need open minds and strong convictions, and to that end a sober and candid assessment of our lasting interests.

As for my country, we all agree that it was the dramatic division between East and West which made it possible soon after the war to bring the Federal Republic into the European and Atlantic partnership and to incorporate it in the world trade and monetary system. For the first time in our history, we became a western state. But the nation remained divided. While we, in West Germany, were able to build a stable democratic society, a reassuring social market economy and strong ties with western friends, the East Germans were left to go on losing the war for decades.

Finally, against all odds, unification came true. What is to be expected now? A domestically preoccupied, inward-looking Germany not fully appreciating her international obligations? A Germany too populous and economically too strong for a balance in Europe, a Germany tempted to look east again, to seek a revitalized ambiguity in the continental center, to go it alone as a nation? Or simply an unpredictable Germany still too uncertain of herself, too evasive one day, too self-assertive the next? All such kinds of speculation are in the air. In all our domestic debates now, let us look at the realities more closely and step by step.

Germany has achieved political unification. Now we have to accomplish economic, social and mental unity. There is a long way to go. Much sensitivity is called for. Coping with the legacy of the past, then an oppressive burden on the people in the East, remains a tremendous task. To transform a command economy right away into a market economy is an adventure never experienced so far. It will take more time and money than was realized or admitted initially.

We are learning. Unification is the most important domestic task. Any German Government failing in it would create disorder and would be no reliable partner able to play its proper role in meeting international responsibilities.

But, Mr. Speaker and Mr. President, it will not fail. Despite all our difficulties we realize how fortunate we are when we consider the much larger problems east of us. East Germans will work hard, West Germans will contribute their share, and investors, including 140 companies of America so far, and I would like to invite your country's business community most cordially to increase this number.

We never looked upon Germany's unity as an aim in itself. Both German and European division and unity belong together. We owe German unity to the peaceful revolution and change in Europe. And to Europe's further progress we devote our national efforts. The challenge confronting the West today is not primarily the military strength of the former Soviet Union but its economic weakness and disorder. Naturally, the former Eastern bloc countries will have to do most of the reforming work themselves, but the people in Eastern Europe want to be free. If the lack of food becomes their prime concern, freedom, and de-

mocracy may, however, be lost once again.

We have to accept, I think, the message of Václáv Havel who warned, years before he addressed this assembly as head of state, that Western happiness would be fragile and ambivalent if it were permanently to be protected against Eastern misery. We have no choice but to help people in Eastern Europe, in their interest as in ours. The airlift to Moscow and St. Petersburg that started out of Frankfurt in February this year symbolizes our joint resolve. And more action has to follow.

The end of Europe's division has not pushed Germany further east. It means rather that the European Community has moved to the center of the continent. The Germans, and especially those in former East Germany, feel not the slightest temptation to risk losing the beneficial status of the West Germans, that is to say, their place in the Western World.

In the West, we have won partners and friends. We share with them our values, our constitutional principles, and our way of life. We have gained success and respect. It is no coincidence that, as we are achieving national unity, Germany and France, whose close cooperation has been so important for Europe, seized the initiative to bring the European Community closer to its principal goal: political union.

[Applause.]

Those familiar with our history are well aware that, if anything, unification has made us Germans even more European than before. Not long after the time when Senator Sumner spoke the words I quoted earlier on, Germany found herself in a precarious position in the geographic center of Europe. She was too small to play a hegemonic role, but too strong not to disturb the balance among Europe's powers. She was unable somehow to define herself and her environment.

It was this unclear position in the center of Europe that spelled catastrophe for Germany in the first half of this century. Now European Union is at long last liberating us from that vague position. We, Germans, know precisely that we ourselves would be the ones to suffer the most if we were to relapse into a nationalistic approach. It is a great fortune of history that unification of our country this time falls into an epoch when European unity is approaching reality.

There remains the relationship between America and Europe. Hasn't the United States done enough in support of Europe's reconstruction? Can this vast and ever young Nation—a nation constantly heading for new frontiers—find something still worth aiming for, something which serves its own interests, when it looks back to good old Europe? Isn't it time the Europeans were able to cope with their all too familiar and their new problems themselves?

Of course, it is not for me to define American interests. I only have wishes. And in this respect, I am glad to note how keenly America is watching to ensure that the various European institutions and initiatives—from the European Community to Western European Union and the Conference on Security and Cooperation in Europe—do not impair the Atlantic Alliance. This is an indication of America's continuing interest in Europe, isn't it? Perhaps it is hard for some Americans to imagine how close to one another again we are on this point.

We may no longer find agreement on everything as easily as we used to during the cold war, when Soviet pressure almost automatically ensured cohesion and discipline within the Alliance. Moreover, we are well aware of your tight budgetary situation, which explains the strong pressure for drastic reductions of your forces stationed abroad.

However, I am wholly confident about the future of the Atlantic Alliance. The reasons for our mutual interests are obvious, the first one being security. Nuclear remnants in the former Eastern bloc could pose a more serious threat than the familiar balance of terror. There is no national security, no intercontinental deterrence against wayward nuclear warheads. And somehow or other we share the risks inherent in Chernobyl-type nuclear power stations.

Apart from the danger of nuclear proliferation, there is also unrest of a national, ethnic, social, and religious nature. Overpopulation and ecological dangers, famines and droughts, family-planning, and fundamentalism. But also how to handle properly self-determination and minorities—all are terms to be included in the security vocabulary. If we do not help solve the problems in the regions where they arise, those problems, and their consequences, will find their way to us.

All these are tasks which we can only master together, and it is the Atlantic community that forms the basis for our joint efforts. We, Germans, want the Europeans to adopt a more active, a more distinct role in terms of security and defense. But we are among the ones most clearly aware of how necessary America's continuing presence in Europe is. Forces operating independently and on a mere basis of friendly arrangements will not do. To guarantee nuclear security we need a system that is fully integrated, right down to logistics. To maintain such a system your country depends in my view on capacities in Europe, as the gulf war has shown anew. Regional systems functioning side by side are unlikely to meet the needs of global nuclear security in our time.

The United States must remain the team leader in coping with a both liberating and chaotic situation following the dissolution of the Soviet Empire. I hardly need remind you of the vital interest our immediate neighbors in the East—Poland, Czechoslovakia, Hungary, and the Baltic States—have in a tangible American participation in European security. We shall only achieve a new order in our part of the world if we have a system of crisis management in which the United States continues to play its due role.

United States involvement is vital to both of us. It has been immensely successful in the past. It may undergo changes in number but I venture to say not in substance. To reduce the American share of the burden will not alter the deep significance of the American presence in Europe. Germany, now undivided but not uncommitted, stands by America in a partnership of responsibility, adding her greater weight, her better knowledge of Eastern Europe and her more central geographical position. Without Germany, some vital American interests in Europe and beyond would perhaps be more difficult to look after.

In addition, I see mutual interests among the industrial powers. We need openness in the field of world trade, world development, world ecology. I do not consider it our main concern today in that well-known competition of profits to forecast whose nation or region the next century is going to be named after. What is more urgent now is to avoid departmentalization and fortress-like regionalism. Mutual education may be useful in helping us find and stick to the narrow path of economic virtue. For that task a balance in Europe is indispensable, and a contribution to it through the American presence is vital—and I think some might say no less to you than to us.

Democracies share their basis values and, to a certain extent, their temptations. Everywhere it seems to pay in the short run to gild the present day at the expense of tomorrow. All over the globe, we hear about corruption, about political parties extending their influence into every corner of society and considering the state their spoil. We hear of political exhibitionism and of political slander.

Under such impressions the people's trust is shrinking. In many cases among our citizens, this happens to coincide with helplessness in the face of economic crises and unemployment, a lacking sense of purpose, a growing predisposition for fictitious answers and remedies, and a tendency to turn even to drugs in desperation. Democracy is no substitute for religion, and as politicians, we are no medicine men. But I believe we can learn from one another how to contribute to a vitally important regeneration of our societies. The history of our common civ-

ilization is full of encouraging examples on both sides of the Atlantic.

What can be done? I beg the question, not knowing and, in fact, not believing in a general answer. But most of all I wish we could rekindle attractivity of unselfish public service among the best of our younger generations.

Maybe for us in politics there is only one effective way to achieve this: By setting a persuasive personal example.

There are convincing examples given by American citizens which are admired in Germany. Time and again when traveling in your country, we come across a pursuit of happiness that is not confined to satisfying selfish desires and amassing material riches. It embraces neighborly support, social engagement and public responsibility. The term "charity begins at home" includes the readiness to give help instead of calling for higher authority or legislation. Your communities are full of private initiative and life.

It is this sense of personal dedication that will help us to stand up to the epochal changes and chances of our time.

[Applause.]

In the words of an outstanding American statesman, West Germany has been throughout a long period "an economy in search of a political purpose." That is no longer so. Today we are free and united. We are one of the driving forces of European Union. And we belong to the Atlantic community in all its aspects.

[Applause.]

Mr. Speaker and Mr. President, this development began with a gift: The hand of friendship extended to us across the ocean and was followed by others in Europe. It is this concept of understanding, of cooperation and friendship which we cherish as the single most valuable asset that evolved from centuries of strife and turmoil in Europe, from ages of revolution, civil war and constraint, from generations of hegemony, zones of influence, and diplomatic balancing.

Keeping that concept of friendship alive and well, particularly in American-German relations, I see as my most noble task. Its future is in the hands of our children. It depends on their willingness to continue the knowledge of, the understanding for, and the friendship with, the transatlantic partner.

I wish to encourage the younger generation, and dear Members of Congress, I do feel encouraged myself here today on Capitol Hill.

Thank you, Mr. Speaker.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., His Excellency President Richard von Weizsaecker of the Federal Republic of Germany, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The ambassadors, ministers, and chargés d' affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 41 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will stand in recess until 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FUNDS FOR CONTINUING EXPENSES OF STANDING AND SELECT COMMITTEES OF THE HOUSE

The SPEAKER pro tempore. The unfinished business is a vote on agreeing on House Resolution 429.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 312, nays 86, not voting 36, as follows:

[Roll No. 93]

YEAS—312

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Bacchus
Barrett
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Billey
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Whitten
Williams
Wilson
Wise
Wyden
Yatron
Young (AK)
Young (FL)
Zeliff

NAYS—86

Allard
Allen
Armey
Atkins
Baker
Bilirakis
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Coble
Cox (CA)
Crane
Cunningham
DeLay
Doolittle

Dornan (CA)	Kasich	Ritter
Dreier	Klug	Roberts
Duncan	Kolbe	Rohrabacher
Erdreich	Kyl	Ros-Lehtinen
Ewing	Lagomarsino	Schaefer
Fawell	Leach	Sensenbrenner
Franks (CT)	Lightfoot	Shaw
Gallegly	Machtley	Shays
Goodling	McCollum	Smith (OR)
Goss	McCrery	Solomon
Gradison	McEwen	Stearns
Hancock	Molinari	Stump
Hefley	Moorhead	Sundquist
Henry	Murphy	Taylor (NC)
Herger	Nichols	Thomas (WY)
Hobson	Nussle	Upton
Holloway	Packard	Visclosky
Hopkins	Paxon	Walker
Horn	Petri	Weber
Hunter	Porter	Weldon
Inhofe	Ramstad	Wolf
Jacobs	Rhodes	Zimmer
James	Ridge	

NOT VOTING—36

Ballenger	Feighan	McDade
Barnard	Fields	McDermott
Blackwell	Gekas	Miller (CA)
Callahan	Hutto	Riggs
Campbell (CO)	Hyde	Savage
Collins (MI)	Ireland	Smith (FL)
Dannemeyer	Johnson (CT)	Thomas (CA)
Dellums	Kolter	Towns
Dickinson	Lehman (FL)	Wheat
Dixon	Lloyd	Wolpe
Dymally	Marlenee	Wylie
Edwards (OK)	McCurdy	Yates

□ 1239

Mr. WOLF changed his vote from "yea" to "nay."

Mr. GILCHREST changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3221

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3221.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1240

PROVIDING FOR CONSIDERATION OF H.R. 3090, FAMILY PLANNING AMENDMENTS ACT OF 1991

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 442 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 442

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. It shall then be in order to consider en bloc the amendments offered by Representative Waxman of California, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 3090, it shall then be in order to take from the Speaker's table the bill S. 323 and to consider said bill in the House. It shall then be in order to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 3090 as passed by the House. All points of order against the motion for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. It shall then be in order to move to insist on the House amendment to S. 323 and request a conference with the Senate.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. Mr. Speaker, during the consideration of the resolution, all time is yielded for the purposes of debate only.

(By unanimous consent, Mr. TRAXLER was allowed to speak out of order.)

ANNOUNCEMENT OF RETIREMENT BY HON. BOB TRAXLER

Mr. TRAXLER. Mr. Speaker, I take this opportunity to advise the membership that after considerable deliberations going back over a long period of time, even with hope that in the course of reapportionment I could be districted out of my seat, that did not happen and I ended up with this safe seat, this wonderful Democrat district, based on my old district population which I have represented now for over 18 years. I have no opponent for the November election. So, as I came up to that moment of "go, no go," the moment of truth, that moment when you have to sign that affidavit of candidacy in our State that says you are officially running, I paused during the recess, took personal inventory of where I was, where I wanted to be, who I was, what I was, and where I wanted to go.

Mr. Speaker, weighing and measuring all of those factors, the decision was very clear to me that I would not seek reelection to this House. And that is not an easy choice, you know, because being elected to this body I know, that it is the greatest honor that could befall one, perhaps with the exception of being elected President or Pope.

So this choice did not come easily. But most especially, Mr. Speaker, I want the Members to know and my constituents, and I must say something about them because they have tolerated me for 18 years and we have had this marvelous love affair, all of us, all 600,000 of them and myself, and it is very difficult to leave this position without saying to them how grateful I am for the trust, the faith, and the honor that they bestowed upon me.

For that I will be eternally grateful.

But there is more to the story than that. The rest of it is very simply my deep gratitude and appreciation for the Members of this body, the greatest deliberative body in the world, composed of outstanding individuals, each of whom in their own way seek to do what is right for the Nation and for the people that they represent.

Many of you have been my personal friends, on both sides of the aisle, Republican and Democrat alike. It is true I am not going to be in Washington. I am going back to where I always have been and never have left, and that is my hometown, Kawkawlin, MI. And I look forward to that.

But, in conclusion, I must also tell you that without the able support of the staff of the full Committee on Appropriations and the staff of the Subcommittee on VA, HUD and Independent Agencies, and my office staff. I have the great honor to have been elected chairman of the VA, HUD Subcommittee by all of you, my task would have been made especially more difficult.

So, to that wonderful staff behind me, to the people who run the elevators, operate the trolley cars, do all of the things that make our work possible here, who make us effective and efficient, and allow us to conduct the business of the Nation, who are unnamed and who labor so quietly and so intensely, I want to express my deep gratitude and, I am sure, not only of myself but of all Members.

I want to wish each and every one of you well in the coming months. I will be with you until January, and I wish you well after that. I do not know many of you who do not deserve reelection. I want to assure the American public that in this institution there are very fine and many, many decent, decent, people on both sides of the aisle that I will long remember and always call my friend.

Thank you all.

Today I am announcing my decision not to run again for the U.S. House of Representatives. My reasons are not political; they are strictly philosophical and personal. I have a safe Democratic district and no opponent in either the primary or the general election. With the filing deadline just 12 days away, the go-no-go decision could not be delayed.

I began my life in public service 32 years ago as an assistant prosecutor, and then served over 11 years in the State legislature. It has been my privilege to represent the finest constituency in the world for the past 18 years as a Member of Congress. No greater honor could be bestowed upon any American.

In 1974, our country was ripe for a change after being duped by the Nixon administration and the Watergate scandal which had created a fundamental distrust of representative government. I was elected to the Congress as part of a class of reformers who set out to change the system. We did that.

We succeeded in implementing change and restoring leadership in our country to put it on a path to a productive and positive future. Unfortunately, however, we have derailed off that path.

We have become a country which has fallen victim to the greed and excesses of the Reagan-Bush years. We have allowed ourselves to be governed by Reaganomics—a policy that George Bush called voodo economics 12 years ago. The Federal budget is our of control, our deficit continues to grow to alarming proportions while at the same time health care costs, illiteracy rates, poverty, and crime are all escalating to enormous levels. The United States is in slow decline as the world's leading economic power and our middle class is eroding bit by bit. We are all nervous, and justifiably so.

In the midst of all these disturbing troubles, the President refuses to lead on the domestic front, the Congress is gridlocked and stymied by political maneuvering and moneyed interest groups, and the national media is intent on focusing on conflict rather than content, offering no serious discussion of the Nation's problems or potential solutions. This only serves to create an atmosphere in which it becomes nearly impossible for public officials to carry on a substantive debate on the resolution of our country's problems. There is a lack of national unity and purpose. We have no sense of nationhood. As a Midwest populist and economic nationalist, I have witnessed our free-trade policies do great harm to our industrial base. I have seen multinational corporations' economic interests succeed in overriding the national interests and no relief is in sight.

I no longer have the wherewithal to fight the great fight. I have a sense of powerlessness. Like my constituents, I too am frustrated and angry. I am so deeply grieved by what I have seen happen to our country that I have, on several occasions, privately been driven to tears. It is as if I am hemorrhaging inside. I can no longer endure the pain.

I have fought for change for the past 32 years. Now it is time for me to make a change and open the door for someone new—someone whom I hope will carry great energy, ideals, and vision for our country. I want my constituents and the American public to know that their vote is the most powerful weapon for change. Unless they vote and select the right candidates, they will get more of the same. Our country is ripe for another renewal, just like the one I was a part of 18 years ago. Renewal is a good thing—we must be reborn with a sense of common purpose to make our country a better place for our future generations.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 442 is a modified open rule providing for the consideration of H.R. 3090, the Family Planning Amendments of 1991.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

No amendments to the bill are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified and debated for the time specified in the report. The amendments are not subject to amendment. The Waxman amendments may be offered en bloc and are not subject to a demand for a division.

The rule makes in order all amendments submitted to the Rules Committee. H.R. 3090 was reported from the Energy and Commerce Committee on September 13, 1991, more than 7 months ago. On April 6, the Rules Committee requested that members submit potential amendments by 5 p.m. on April 9, 1992. Members had ample time to study the reported bill and draft amendments, as well as sufficient notice to submit them to the committee.

The rule provides for one motion to recommit with or without instructions.

After the passage of the bill, it shall be in order to take the Senate companion bill, S. 323, from the Speaker's table and consider it in the House. The rule also makes in order a motion to strike out all after the enacting clause of the Senate bill and insert the provisions of H.R. 3090 as passed by the House. Clause 7 of House rule 16, prohibiting nongermane amendments, is waived against this motion.

Finally, the rule makes in order a motion to insist on the House amendment and request a conference.

Mr. Speaker, H.R. 3090, the bill for which the Rules Committee has recommended this rule, reauthorizes a variety of essential family planning programs and activities. Later in this debate I will have more to say about the substance of the underlying bill.

For now, I will simply commend Chairman WAXMAN for bringing to the floor this vital legislation to ensure American women have access to all relevant medical information when making reproductive choices.

I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this important legislation.

□ 1250

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we go again. Yesterday we celebrated a completely open rule, the first for this year, and today we have on the floor a closed rule. I do not know how in the world we operate without giving the Members full time for debate. I oppose the rule.

Mr. Speaker, this is the authorization for title X of the Public Health Service Act of 1970, the Federal Family Planning Program. The authorization for the title X program expired in 1985. Since then Congress has been unable to reach a consensus on a number of controversial issues. The program has been funded through continuing resolutions and appropriations.

H.R. 3090 reverses the Department of Health and Human Services' abortion counseling restrictions, the so-called gag rule, which was upheld last year by the Supreme Court. This gag rule prohibits clinics that receive Federal funds from counseling patients on abortion and providing referrals for pregnancy termination.

H.R. 3090 also requires that grant recipients comply with State parental notification and consent law regarding minors' access to abortion.

Mr. Speaker, I would like to note that the administration is opposed to this bill. We all know that. The administration finds that this legislation is totally alien to the mission of the title X program. It believes that the 1988 regulations are essential to protect the integrity of title X as a prepregnancy family planning program in implementing the program's mandate that none of the funds appropriated shall be used in programs where abortion is used as a method of family planning.

Again, I am opposed to this controversial rule even though it does make in order all of the amendments submitted to the Committee on Rules. I think we are going down the wrong path and that we need to get back on track with more open rules.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, I find it somewhat ironic that we have opposition to a closed rule time and time again when we have a bill that is addressing the worst closed rule of all, the gag rule.

Mr. Speaker, America is choking on President Bush's gag rule, and at stake are, not only the basic rights of women across this country to get the information that they need to make decisions about their own bodies and their own lives, but we are talking about a gag rule that is strangling some basic principles and values of America: the right to privacy, respect for the individual, the need for government to know its place and to know that it has no place in a clinic interfering in the private conversations between a woman and her doctor or her clinician.

Mr. Speaker, in George Orwell's "1984" citizens were told, "Big Brother is watching." Well, in George Bush's 1992 we are being told, "Big Brother is listening," and the effect is the same: The corrosive interference of Government on the individual liberties of Americans, the inability of Government to understand and respect the rights of citizens to make personal, intimate decisions for themselves based upon the best information available to them.

The gag rule prevents that, Mr. Speaker. The gag rule has no place in our government, and we are being called upon, as a House of Representatives, to be the last line of defense for the women of this country.

The Supreme Court has spoken already on the gag rule. It has said it is OK to gag information, vital information, for American women. We know that it is about to make a very important decision upon the fundamental rights of women to control their own bodies.

This is the people's House, and it means that it is the last defense of the people of America to have their basic liberties respected and defended, and, Mr. Speaker, the people of America in 1992 are calling upon the people's House of America to defend those basic rights and those basic freedoms. If the people's House means anything, let us give that definition the most meaning we can give it by defending the rights of women, respecting their privacy, respecting their dignity and respecting physicians and clinics all across this country to provide the information that they deem necessary for the women of America to make the right choice for themselves and their bodies.

My colleagues, let us support this rule and go on to overturn the gag rule, and let us go on further this session, Mr. Speaker, and support the Freedom of Choice Act so that we can respect the rights, the dignity and the quality of life of every woman in this country.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

□ 1300

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I really want to say that there has been a lot of bad news around this place, but today there is some very good news, and that is that I think under the leadership of the gentleman from California [Mr. WAXMAN], this House is about to undo a very fundamental wrong, a fundamental wrong that the administration tried to layer up on top of over half its population. That fundamental wrong was to say that women could not hear the full range of legal options that they might have vis-a-vis their health care. It is otherwise known as the gag rule.

This says that we are going to treat all people equally, and that is what this Government is all about. I must say there has been a lot of days of late I have not been proud to take this well, but I am proud today that we are going to treat over half our citizens as adults and as full-fledged citizens, and because they pay equal taxes, they are going to be able to be treated fairly if we pass this and lift the gag rule.

I am also very pleased that we have family planning up today, because we have not been able to bring the family planning bill to this House floor for many years. As a consequence, family planning money has been stalled. More and more women have tried to seek family planning, but because we could not get an authorization through, there was no way to even consider the requests that many of the clinics have.

When you look at the numbers, one out of five American women rely on federally funded family planning clinics. That is a very, very high number. We have been doing a very poor job of reaching out and giving them access.

Mr. Speaker, there has been this incredible raging abortion debate that has kind of shadowed over all of this and made it one of the reasons it has been so difficult to get consensus on it. But I want to compliment this body today, because I think this body is really standing up and saying one of the ways you deal with abortion is to make sure that there is more available family planning, that family planning becomes available to more American women. Then they can be responsible for their lives, have the full knowledge that they need, and be able to make the choices we hope they will make, rather than being forced to make choices they may not want to make, or all the other things that happen.

Mr. Speaker, I am so old and have been around here so long that I remember back in the seventies when we tried to reach out to the antichoice factors and say, "Let's all work together to increase family planning so that abortion is never even needed in this country again."

That did not work. But gradually it is beginning to work now, because I think people realize that this is the choice that everybody should have, proper information, user-friendly family planning, available family planning. It does not do any good if it is not available.

The other thing that people are becoming more and more aware of are these clinics are the primary health delivery mechanism. Not just on family planning, but on very important things such as pap smears and cancer checks, anemia checks and blood tests, a whole range of things. This is the main place that women go for their health care.

Women are very often care givers in their families. If they are not getting good health care, then we all suffer, because the whole family suffers if they are not getting it.

So I want to say today that the gentleman from California [Mr. WAXMAN] has been out there fighting for a very long time. But many of the rest of the people in this body have, too, and people in our communities have, too. They have been standing up and saying the women of America are now going to be treated as adults and it is time to lift the gag rule. It is time to be able to debate family planning, as we are going to do today.

Mr. Speaker, I really want to compliment this body for moving forward on it and the Committee on Rules for coming forward with this very good rule. I hope all Members support the rule and the bill. I thank the gentlewoman from New York [Ms. SLAUGHTER] for her part in bringing this to her committee.

Mr. Speaker, we are here today to vote to reauthorize the title X family planning program. This program is vital to the health of American women. One out of every five women receiving family planning services relies on a title X clinic. For 83 percent of these women, title X clinics are their only source of family planning services. In addition to contraceptive services, these clinics offer diabetes, anemia, and breast and cervical cancer screening, as well as screening for sexually transmitted diseases, including HIV.

In 4 days, on May 4, the administration will begin to enforce the administration prohibition on abortion counseling: the gag rule. Enforcement of the gag rule will severely limit access to family planning services, prenatal care, and basic health care for women across the country.

On March 20 Health and Human Services issued the final guidance on implementation of the gag rule. This guidance, according to President Bush fixed everything. Well, President Bush was wrong. HHS's guidance created a doctors only policy that rescues doctors from the counseling ban, but leaves nurses gagged—nurses provide the majority of care in a title X clinic. Gagging nurses threatens the effectiveness of the title X system.

Enforcement of the ban on nondirective abortion counseling will compel many of these clinics to reject Federal funds. In many cases these title X clinics will be forced to close. Thousands of women will be denied basic health care services. Vote "yes" on H.R. 3090. Reauthorize the title X program, and overturn the gag rule. American women can't wait much longer.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, abortion is not family planning. Planning is something you do before the fact. Abortion is family cancellation. It occurs after the fact. It has no place in a family planning program. Title X is a family planning program, and it should not funnel taxpayer dollars into abortion advocacy.

Abortion supporters have managed to cloud much of the debate so far. First,

they said that the regulations were untenable because they violated the doctor-patient relationship. But they were wrong—under the regulations, doctors must give patients complete medical information about their condition. Next, they conceded that the regulations had no effect on the physician-patient relationship, but they said that fact was unimportant. What was important, they said, is that women could never hear about abortion, regardless of her circumstance. Well, they were wrong about that, too. If a pregnant woman has a medical problem, she is to be deferred for complete medical care, even if the ultimate result is an abortion.

The regulations only prohibit clinic staff from referring a woman to an entity whose primary business is abortion. We're talking about abortion mills, Mr. Speaker. We're not talking about health clinics, in the primary sense of the word. We're talking about the multimillion dollars business of abortion in this country. The title X regulations prohibit the spending of taxpayers' dollars to send a woman to a profit-motivated abortion mill. This is not family planning. Vote "no" on this bill, and let's authorize a family planning bill that won't deal in the cancellation business instead.

Mr. Speaker, I included for the RECORD an article by Colman McCarthy entitled, "The Court's Consistency."

[From the Washington Post, May 30, 1991]

THE COURT'S CONSISTENCY

(By Colman McCarthy)

A number of medical officials reacted to the Supreme Court ruling that upheld a federal ban against funding family-planning clinics that include abortion counseling by saying, okay, we disagree with the decision but we'll soldier on without the government's money.

That principled response can be respected, unlike the shrillness of some abortion-rights groups that want it both ways: Take the money but grouse like sore losers about anti-abortion courts inflicting their agendas on the clinics.

Federal grants to some 4,000 family-planning clinics, including Planned Parenthood, amount to $144 million annually, with an estimated 4 million women being served. The congressionally approved regulations—Title X of the Public Health Services Act—forbid money to programs "where abortion is a method of family planning." The legislation, written in 1970, was the basis for the 1988 Health and Human Services regulations that speak of the welfare of "the unborn child." Under Title X, that welfare is a legitimate concern for governmental protection, meaning that counseling "abortion as a method of family planning" is forbidden.

Critics of the 5-4 ruling in *Rust* v. *Sullivan* are arguing the free-speech issue, that the regulations, in the language of Justice Harry Blackmun, one of the four dissenters, are "clearly viewpoint based. While suppressing speech favorable to abortion with one hand, [the government] compels antiabortion speech with the other."

What's the problem with a two-handed government? Are the anglings of Planned Parenthood to replace the vision of Thomas Jefferson, who wrote: "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." The destruction of fetal life—abortion—is not a role in which Congress or a succession of administrations has chosen to play a monied part.

At the least, the ruling honors accurate language. A family-planning clinic isn't a family-destruction clinic. Words either mean something, or they don't. Health care for the unborn doesn't mean death care. If Planned Parenthood believes in counseling pregnant women about the benefits of ending the life of a fetus, then it should consider a name change: Planned Against Parenthood. A touch of candor is in order.

The strength of the court's ruling is in its constitutional consistency. No federal program currently subsidizes abortions. Pro-choicers have repeatedly failed to persuade Congress to spend money to destroy fetal life. The courts have not been convinced either that abortion contractors ought to be on the federal payroll. Chief Justice Rehnquist writes in *Rust* v. *Sullivan:* "The government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternate program which seeks to deal with the problem in another way."

The thought is consistent with the 1977 case, *Maher* v. *Roe:* The government "may make a value judgment favoring childbirth over abortion, and * * * implement that judgment by the allocation of public funds."

Whetever the cause, ample ways exist to redirect "a value judgment" of the government, starting with convincing the public that it should persuade Congress to spend money this way, not that way. This is the arduous work of democratic reform, a toil that abortion-rights groups have either not tried or failed at if they did.

The image of the friendly neighborhood abortionist doing nothing more than broadening the choices of women has not been bought. If it was, public money would have been forthcoming by now. Along with the surgeon general, we would have the abortionist general. That this hasn't come to pass suggests that most of the public doesn't want its money spent on abortionists, those whom Margaret Sanger called in 1914 "the blood-sucking men with M.D. after their names who perform operations for the price of so-and-so."

In the United States, for every three lives conceived, two are allowed to survive to birth, one is destroyed by abortion. In *Rust* v. *Sullivan* the court ruled that it's constitutional for the government, guided by its chief public-health official, to spend money on enhancing life, not taking it.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today we have the opportunity to take a stand on two of the fundamental principles upon which our society is founded, the right of free speech and equal treatment under the law.

The administration's gag rule is an invasion of free speech that will prevent women from receiving medical advice on all their needs and options, including information about abortion. And it is an invasion of women's rights to equal treatment by our Government.

The gag rule sets a dangerous precedent. Instead of a policy that aims to protect the rights of all, it marks a slide into tyranny where Government uses its coercive power to gag doctors and to limit the rights of women. Despite the administration's legislative attempts to clarify the gag rule, many have been clearly through this policy.

The administration is pursuing an offensive, unprincipled, and ill-conceived policy that gags doctors and health care professionals and limits the rights of women to complete an uncensored medical advice.

Accepting the gag rule says that this country cares not a whit about free speech, not a whit about doctor-patient confidentiality. It says we have little respect for the judgment of women. Not teenagers, but women.

This regulation creates a two-tier system for medical advice. Americans who can afford private health care will get it. Those who cannot, will not.

Our obligation today is clear: We have the opportunity and the responsibility to reinstate the protection of our right to free expression, and we must overturn this rule.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I am pro-life. I have never voted for abortion. I strongly oppose public funding for abortion. I believe we must do more to protect the unborn and to care for those children once they are born.

I also believe that if we are opposed to abortion, then we must support family planning as a means of reducing unwanted pregnancies. Without the availability of title X family planning services, it is estimated that there would be at least 1.2 million additional unwanted pregnancies each year, leading to perhaps as many as 500,000 additional abortions each year.

□ 1310

I am greatly disappointed that a program which clearly prevents half a million abortions each year is being opposed by many of my pro-life colleagues. I am further disappointed that instead of preparing and offering amendments to address concerns with this legislation, we are being urged to vote no. That is not responsible.

We ought to be working together to construct a family planning policy that all of us can support. We will have two opportunities under this rule to improve this bill in a way that ought to make pro-lifers content.

First of all, will consider the Regula amendment. The Regula amendment will make it absolutely clear that options will not be presented to a patient unless that patient requests the information. So we are not going to force a discussion of abortion on any patient that is not interested in that material.

And even then, upon that patient's request, that information must be nondirective in nature. There cannot be any steering or encouragement. It must be the patient's decision.

Second, we will have an opportunity to vote on the Durbin amendment. The Durbin amendment will make it absolutely clear that individual counselors in a family planning clinic do not have to discuss abortion, if they choose not to. It will also make it clear that an entire project or clinic site can be exempted from discussing that issue, if that site, by basis of religious conviction or philosophy, is opposed to abortion.

That is the best we are going to get in terms of the amendments that are offered today. I think they are steps in the right direction. I think we ought to support these amendments and move this bill along because family planning will stop abortions.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the bill and of the underlying rule. Title X is an important source of low-cost primary health care services for many poor women. The gag rule is offensive to American values, contrary to sound medical practice, and must be reversed by legislation.

Most Americans, Mr. Speaker, oppose the gag rule. And I would point out to my friends on this side of the aisle that most Republicans oppose the gag rule as well.

The American people do understand what the Office of Population Policy at HHS does not. A system of regulatory controls on factual information, controls on medical professionals and abrogation of the rights of poor women does great damage to the fabric of our democracy and cannot be tolerated.

The gag rule has recently undergone some subtle reworking in the form of guidances issued to regional health administrators, but do not be fooled. There has been nosignificant change in the original gag rule at all.

Doctors still may not refer those patients to what they deem to be appropriate service providers. They remain bound by a list of a referral organizations, many of whom do not provide abortion. And this list provided to the patient without comment does not differentiate between those that might and those that might not provide abortion.

As a result, the professional judgment and professional responsibility of doctors is directly attacked by the regulations.

Allied health professionals, nurses and nurse practitioners are still gagged. These personnel are forced to tell pregnant women who ask that abortion is not an appropriate method of family planning and to send then away with a confusing and undifferentiated list that I mentioned.

Mr. Speaker, it is important to note that we are not here talking about secretaries and receptionists providing counseling. We are talking about nurse practitioners, health professionals who typically have had at least 4 years of education, who are universally recognized as a critical part of the solution to providing health services in rural and poor, underserved areas of the country, and who are required by licensing statutes of most States to educate and inform their patients.

That is why the AMA, the Association of Medical Women, the College of Obstetricians and Gynecologists, and several nursing organizations all continue to oppose the gag rule regulation.

Mr. Speaker, the administration's decision is unfortunate because they discarded serious efforts by the Senators to reach a compromise on the issue of abortion counseling. We are here at this stage because the administration did not make the effort they should have made to compromise. The administration is insisting on the gag rule. The gag rule creates numerous problems, and there is little evidence that any real consideration of these problems has been undertaken by those who intend to impose the rule.

The regulations force health care providers to violate their legal and ethical obligations to tell the truth. This means bad medicine, and bad medicine means malpractice.

The gag rule violates State standards of licensure. State officials have indicated that the gag rule appears in direct conflict with their State's decisional and statutory law on civil liability and licensure with respect to the obligation to abide by the dictates of informed consent.

Finally and ultimately, Mr. Speaker, the gag rule is un-American. It destroys the bond of faith that must exist in a democratic society between the governed and their government. The rule imposes systematic damage on our society, well beyond its impact on poor women. It cannot be allowed to stand.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 3 minutes and 30 seconds to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I believe freedom is under attack in our country and freedom comes in different packages. If we were to ask the people during the years in Europe that gave birth to Adolf Hitler, what was the very day that they lost their freedom, what day was it, I do not think they could point to one particular day because freedom comes in different packages. And right now in 1992, we find ourselves fighting for freedom. And today we find ourselves fighting for freedom of speech.

Mr. Speaker, this issue has nothing to do, in my opinion, with abortion. It has to do with freedom of speech. Imagine this Government telling individual, hard-working citizens of our Nation that they cannot tell their patients the truth, that they have to be gagged, that they have to be told that if they tell a patient that she has a right to choose an abortion in this country that they will lose their Federal funds and worse could happen to them.

To me, it is extraordinary that we are fighting this. Actually, we fought it once before, and the President vetoed our efforts. Maybe now he will see better. He will see the issue in a clearer fashion.

So freedom comes in different packages, and we are talking about freedom of speech.

I would ask each and every one of my colleagues here that if this Government can gag a social worker, if this Government can gag a nurse, if this Government can gag a health care professional, why cannot this Government gag each and every one of us?

When the Justice Department spoke out in favor of the gag rule, do my colleagues know what they said? They said, "If we give the money, we can control what is said. If we give the money," meaning the Government, "We can control what is said."

I did not know about my colleagues, but that is not why I ran for office, to control what is said by the free-thinking people of this great Nation. I have too much respect for them, and I hope that this institution today will act firmly to tell the administration that we came here to defend freedom, freedom of speech. And we will not allow this administration to tell any citizen that they cannot tell the truth.

And it is amazing to me that this administration would want to keep women in our society ignorant of their rights.

□ 1320

Why are women second-class citizens? They have a right to know that abortion is legal. We have a Supreme Court that is narrowing the right to choose to a very dangerous place, to a place where we may have to go back to the days of darkness, and many of us will fight that with every ounce of strength we have. But right now abortion is legal and if this administration does not like it, let them try to take that right away, but do not allow them to do it by gagging the citizens of this country and keeping our people ignorant. That is beneath the dignity of this great United States of America.

Mr. QUILLEN. Mr. Speaker, I urge that the rule be defeated.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 146, not voting 15, as follows:

[Roll No. 94]

YEAS—273

Abercrombie	Edwards (TX)	Levine (CA)
Ackerman	Engel	Lewis (GA)
Alexander	English	Lipinski
Anderson	Erdreich	Lloyd
Andrews (ME)	Espy	Long
Andrews (NJ)	Evans	Lowey (NY)
Andrews (TX)	Fascell	Luken
Annunzio	Fazio	Machtley
Anthony	Feighan	Manton
Aspin	Fish	Markey
Atkins	Flake	Martinez
AuCoin	Foglietta	Matsui
Bacchus	Ford (MI)	Mazzoli
Beilenson	Ford (TN)	McCloskey
Berman	Frank (MA)	McCurdy
Bevill	Frost	McDermott
Bilbray	Gallo	McHugh
Blackwell	Gaydos	McMillan (NC)
Boehlert	Gejdenson	McMillen (MD)
Bonior	Gephardt	McNulty
Borski	Geren	Meyers
Boucher	Gibbons	Mfume
Boxer	Gilman	Miller (CA)
Brewster	Glickman	Miller (WA)
Brooks	Gonzalez	Mineta
Browder	Gordon	Mink
Brown	Green	Moakley
Bruce	Guarini	Montgomery
Bryant	Hall (OH)	Moody
Bustamante	Hamilton	Moran
Byron	Harris	Morella
Campbell (CA)	Hatcher	Morrison
Cardin	Hayes (IL)	Mrazek
Carper	Hayes (LA)	Murtha
Carr	Hefner	Nagle
Chandler	Hoagland	Natcher
Chapman	Hochbrueckner	Neal (MA)
Clay	Horn	Neal (NC)
Clement	Horton	Nowak
Coleman (TX)	Houghton	Oakar
Collins (IL)	Hoyer	Obey
Collins (MI)	Hubbard	Olin
Condit	Huckaby	Olver
Conyers	Hughes	Ortiz
Cooper	Jefferson	Orton
Coughlin	Jenkins	Owens (NY)
Cox (IL)	Johnson (CT)	Owens (UT)
Coyne	Johnson (SD)	Pallone
Cramer	Johnston	Panetta
Darden	Jones (GA)	Parker
de la Garza	Jones (NC)	Pastor
DeFazio	Jontz	Patterson
DeLauro	Kaptur	Payne (NJ)
Dellums	Kennedy	Payne (VA)
Derrick	Kennelly	Pease
Dickinson	Kildee	Pelosi
Dicks	Kleczka	Penny
Dingell	Klug	Perkins
Dixon	Kolbe	Peterson (FL)
Donnelly	Kopetski	Pickett
Dooley	Kostmayer	Pickle
Dorgan (ND)	LaFalce	Price
Downey	Lancaster	Pursell
Durbin	Lantos	Rahall
Dwyer	LaRocco	Ramstad
Dymally	Laughlin	Rangel
Early	Lehman (CA)	Ravenel
Eckart	Lehman (FL)	Ray
Edwards (CA)	Levin (MI)	Reed
Regula	Sikorski	Torricelli
Richardson	Sisisky	Towns
Roe	Skaggs	Traficant
Roemer	Skelton	Traxler
Rose	Slattery	Unsoeld
Rostenkowski	Slaughter	Valentine
Roukema	Smith (IA)	Vento
Rowland	Snowe	Visclosky
Roybal	Solarz	Washington
Russo	Spratt	Waters
Sabo	Staggers	Waxman
Sanders	Stallings	Weiss
Sangmeister	Stark	Wheat
Sarpalius	Stokes	Whitten
Savage	Studds	Williams
Sawyer	Swett	Wilson
Scheuer	Swift	Wise
Schroeder	Synar	Wolpe
Schumer	Tanner	Wyden
Serrano	Thomas (GA)	Yates
Sharp	Thornton	Yatron
Shays	Torres	Young (AK)

NAYS—146

Allard	Hammerschmidt	Poshard
Allen	Hancock	Quillen
Applegate	Hansen	Rhodes
Archer	Hastert	Ridge
Armey	Hefley	Rinaldo
Baker	Henry	Ritter
Ballenger	Herger	Roberts
Barrett	Hobson	Rogers
Barton	Holloway	Rohrabacher
Bateman	Hopkins	Ros-Lehtinen
Bennett	Hunter	Roth
Bentley	Hutto	Santorum
Bereuter	Hyde	Saxton
Billirakis	Inhofe	Schaefer
Bliley	Jacobs	Schiff
Boehner	James	Schulze
Broomfield	Johnson (TX)	Sensenbrenner
Bunning	Kanjorski	Shaw
Burton	Kasich	Shuster
Callahan	Kyl	Skeen
Camp	Lagomarsino	Smith (NJ)
Clinger	Leach	Smith (OR)
Coble	Lent	Smith (TX)
Coleman (MO)	Lewis (CA)	Solomon
Combest	Lewis (FL)	Spence
Costello	Lightfoot	Stearns
Cox (CA)	Livingston	Stenholm
Crane	Martin	Stump
Cunningham	Mavroules	Sundquist
Davis	McCandless	Tallon
DeLay	McCollum	Tauzin
Doolittle	McCrery	Taylor (MS)
Dornan (CA)	McEwen	Taylor (NC)
Dreier	McGrath	Thomas (CA)
Duncan	Miller (OH)	Thomas (WY)
Edwards (OK)	Molinari	Upton
Emerson	Mollohan	Vander Jagt
Ewing	Moorhead	Volkmer
Fawell	Murphy	Vucanovich
Franks (CT)	Myers	Walker
Gallegly	Nichols	Walsh
Gekas	Nussle	Weber
Gillmor	Oberstar	Weldon
Gingrich	Oxley	Wolf
Goodling	Packard	Wylie
Goss	Paxon	Young (FL)
Grandy	Peterson (MN)	Zeliff
Gunderson	Petri	Zimmer
Hall (TX)	Porter	

NOT VOTING—15

Barnard	Gradison	Marlenee
Campbell (CO)	Hertel	McDade
Dannemeyer	Ireland	Michel
Fields	Kolter	Riggs
Gilchrest	Lowery (CA)	Smith (FL)

□ 1344

Mr. COSTELLO changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2797

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2797.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

FAMILY PLANNING AMENDMENTS ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3090.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, with Ms. SLAUGHTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentlemen from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, H.R. 3090 is a bill to reauthorize the Federal family planning program, to overturn the gag rule on health professionals in family planning clinics, and to require that these clinics comply with State law that is in force regarding parental notification or consent for minors seeking an abortion.

ON REAUTHORIZATION

The Federal family planning program is a key element in the Nation's effort to improve maternal and child health, lower infant mortality, and lower the rates of unwanted pregnancy and abortion in the United States. Over the years, expert review and medical research have always arrived at the same commonsense conclusion: The best solution to unwanted pregnancy is to prevent the pregnancy.

Unfortunately, this program has been held hostage in the abortion debate for too long. The program has been proposed for repeals, block grants, freezes, and restrictions. It has not been reauthorized since 1985 and has not had significant funding increases since its last authorization.

The tragic result is that routine contraception services have been limited

over the last decade, and that has meant unwanted pregnancy and, in turn, unnecessarily high rates of both low birthweight babies and abortions.

With this legislation, I hope that we can expand these services and move beyond the abortion debate to the health debate. The continued use of the family planning program as a pawn in this debate is self-defeating, leaving poor women with fewer and fewer ways to prevent pregnancy.

ON THE GAG RULE

We should also move to eliminate restrictions on the ability of poor women to get the best medical advice of the health professionals that provide them services. The administration has proposed regulations to limit the ability of doctors and nurses to counsel and refer patients or even to answer point blank questions with truthful answers. This regulation—which is known as the gag rule—is bad medicine, bad law, and bad precedent.

This legislation would reverse the gag rule and replace it with a codification of the guidelines that were issued by the Reagan administration on how a family planning clinic should deal with a pregnant woman. This is a simple approach: If a patient requests information on pregnancy options, she should be given that information. It should be non-directive, it should be complete, and it should be true.

This has been the practice of the program practically from the time that then-Congressman Bush first spoke in favor of it and voted for it. It was formalized by the Reagan administration. It is supported by all health provider groups, including the American Medical Association and the American Nurses Association. It should continue to be the policy of the program.

ON PARENTAL NOTIFICATION

Finally, this bill contains an amendment added in the Commerce Committee to require that clinics receiving funds under this program comply with any State law in force that provides for parental notification or consent for minors seeking abortions.

The first thing that I want to make explicit is that title X funds cannot be used to perform abortions. Nothing in this bill changes that policy. This amendment affects only title X clinics that provide abortions with totally separate, non-Federal funds.

The amendment requires that these clinics comply with State law that is in force on parental notification and consent. The committee took this approach because of the widely varying provisions of State parental involvement law. Some States require it, some States do not. Some States make exceptions for medical emergencies. Some States allow notification to grandparents. Some States allow counseling by clergy instead.

Rather than superceding this variety of laws, the committee chose to recognize these laws in a States rights manner. It would be inappropriate to override State laws in this extremely complex area through a small grants program.

CONCLUSION

In closing, I would simply reemphasize that the Federal family planning program is our best hope to achieve many maternal and child health goals. To reduce unwanted pregnancy we should make family planning widely available. To lower abortion rates we should give women the ability to prevent pregnancy. Family planning is not the problem. It is the solution.

□ 1350

Mr. BLILEY. Madam Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman from Virginia for yielding this time to me.

Madam Chairman, today pro-abortion Members of the House are attempting to overturn the 1988 title X regulations, designed to separate abortion from birth control in America's family planning clinics.

These pro-life, pro-family planning regulations have withstood the test of judicial scrutiny by the highest court in the land and are strongly backed by President Bush, Dr. Sullivan, Secretary of Health and Human Services, and Dr. Archer, who heads the Nation's family planning program. These modest rules are strongly supported by every pro-life organization in America.

Last year, pro-abortion Members sought to stymie the regulations using the very popular HHS appropriations bill as a vehicle. You will recall that the President vetoed the entire appropriations measure over this singular issue. And despite millions in advertising by Planned Parenthood and others who have a direct financial interest in gutting these regulations, the House courageously sustained that veto choosing to safeguard unborn babies from the butchery of abortion.

This bill, too, will be vetoed by the President, notwithstanding passage of any or all of the fig leaf-like pending amendments, which I hasten to add, do nothing to correct this egregiously flawed piece of legislation before us today.

Madam Chairman and members of the committee, the title X regulations we seek to preserve are sound, balanced, humane and fully consistent with the original intent of the title X program—preventive family planning services.

Members may recall that the original conference report in 1970 accompanying the enactment of the title X program said: "It is and has been the intent of both Houses that funds authorized under this legislation be used only to support preventive planning services."

Let me just say at this point that if Members buy into the notion that abortion can be used as a method of family planning; if Members subscribe to advocating and facilitating—with fat grants from Uncle Sam—the violent destruction of unborn babies by way of counseling and referral, your vote is in favor of H.R. 3090.

But make no mistake about it, hundreds of thousands of helpless infants will die if these humanitarian regulations are overturned. I urge Members and encourage you to remember, the very next time you hold a baby in your arms, and look into an infant's eyes, to think back on this strategic opportunity offered to you today to save countless lives. We're not talking about eradicating cancers or diseases here, we're talking about slaughtering our offspring.

By now you may know that Planned Parenthood—a major recipient of the title X funds—performs, counsels and refers for over 200,000 abortions per year. In my view that's an outrage and in my view a national scandal. At a minimum the facilitation of this child abuse with Federal funding must stop.

Some Members may argue that abortion ought to be treated just like any other medical procedure.

I respectfully submit that if pregnancy were a disease and abortion its cure, counseling and referring mothers to abortion mills would be the moral equivalent of excising a tumor.

But each of us knows, in our heart of hearts, that abortion methods rip and tear and dismember the fragile bodies of children while other methods of abortion kill innocent children with a variety of poisons.

Each of us knows in our hearts that every single, solitary abortion stops a beating heart.

There is absolutely nothing humane or compassionate about injecting salt water into a child or using a razor blade-tipped suction machine to dismember that baby.

That is child abuse.

Madam Chairman, all this talk of free speech in the form of counseling and referring for abortions, I would submit, is an affront to human dignity and the special preciousness of children.

The policy-changing language in H.R. 3090 is antichild. And if you can live with your own conscience in sending these babies and their vulnerable mothers, very often teenagers, to abortion mills, I guess that is your burden to carry. But I must say that after 12 years as a Member of Congress I continue to be profoundly shocked, deeply dismayed and more often these days just plain saddened that highly intelligent and capable people, men and women in this Chamber that I deeply respect, could fail to see that abortion on demand is child abuse. It truly sickens the heart.

I urge defeat of this antichild legislation, vote "no" on H.R. 3090.

Mr. BLILEY. Madam Chairman, I yield 3½ minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. LENT. Madam Chairman, will the gentleman yield?

Mr. HOLLOWAY. I yield to the gentleman from New York.

(Mr. LENT asked and was given permission to revise and extend his remarks.)

Mr. LENT. Madam Chairman, I thank the gentleman for yielding, and I rise to oppose this legislation.

Madam Chairman, last year, the Supreme Court upheld the Department of Health and Human Services family planning regulations in Rust versus Sullivan. In that case the court stated that:

The Government can, without violating the Constitution, selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternate program which seeks to deal with the problem in another way. In doing so, the Government has not discriminated on the basis of viewpoint; it has merely chosen to fund one activity to the exclusion of the other.

When the Government appropriates public funds to establish a program it is entitled to define the limits of that program. Defining limits and conditioning the receipt of funds is something that this Congress does constantly when legislating. The regulations prohibiting abortion advocacy are merely conditions on the receipt of funds. By accepting title X funds, a recipient is voluntarily consenting to any restrictions placed on those funds. Potential grant recipients can choose between accepting title X funds—subject to the condition that they not engage in abortion counseling—or declining the funds and financing their own program. They can't have it both ways.

It should be pointed out that the regulations were promulgated because title X grantees were not properly implementing the statute. This was revealed in studies conducted by the General Accounting Office and the Office of the Inspector General. Title X grantees were imposing their point of view on title X clients to the exclusion of other viewpoints—that abortion was a valid and preferred method of family planning.

Abortion as a method of family planning encourages irresponsibility. I urge those Members who want to promote traditional family values and true family planning to oppose this legislation and uphold the regulations.

Mr. HOLLOWAY. Madam Chairman, this bill, clearly and simply, would require counseling and referral for abortion as an option in federally funded clinics. Make no mistake about it, this bill would remove pro-life regulations which separate abortion from birth control. This bill would require that abortion be presented as a birth control option in over 4,000 Government-funded clinics—even though 88 percent of Americans consider this unacceptable.

Some have said that this is a restriction of the flow of information between a patient and her physician. However, there is another side to the issue that deserves mention. It is clear that the majority of Americans consider it immoral to use abortion as a method of family planning.

A 1991 poll revealed that a full 88 percent of Americans oppose the use of abortion as a method of birth control. American taxpayers feel strongly that they should not be forced to subsidize abortion advocacy of any kind. Legal abortion is no secret. On the contrary, abortion clinics advertise openly and are easy to locate. It is one thing for a woman to choose an abortion. It is quite another for clinic personnel to strongly suggest it.

It's time to tell the truth about the title X regulations. It is clearly an issue of taxpayer's choice. It is wrong to expect the majority of Americans who oppose abortion as family planning to support a program that makes no distinction between the two. It also provides no way for parents to have input in their daughter's decisions. In this bill, abortion counseling and referral can be given to a child under age 18 without the parents' knowledge. At a time when a child must have parental permission to get her ears pierced or go on a field trip, it is wrong to exclude parents from having input into a decision as important as abortion.

The fact is that title X was created as a pregnancy prevention program. It was intended to help poor women avoid unplanned pregnancy and plan for the arrival of each child. All discussion regarding title X makes it very clear that there was never intended to be any connection between title X activities and abortion-related activities. The title X program is not a full-service health program. Once a woman is found to be pregnant she no longer needs or is eligible for these services. She must then be referred to prenatal and social service providers.

Madam Chairman, it just does not make sense for the Federal Government to subsidize the promotion, counseling, and referral for abortion in a program that was created to help reduce the number of abortions.

We must remember that the Federal Government is not obligated to subsidize all legal activities. It is all right for the Federal Government to pay for antismoking campaigns. This does not violate the first amendment rights of those denied Government funds to promote smoking.

In 1991, the Supreme Court concluded that "the Government may make a value judgment favoring childbirth over abortion, and * * * implement that judgment by the allocation of public funds." Critics of this decision have argued that the Court is encouraging a lack of communication between the doctor and patient. That is misleading. We can never give more consideration to one person's right to freedom of speech than we do to the other person's right to be born.

Finally, this bill would mandate speech by requiring the title X provider to offer abortion counseling even if it is against their religious or moral beliefs.

It is difficult to understand why some Members feel that the taxpayers are somehow obligated to fund an activity that most Americans find morally wrong—the promotion of abortion as family planning. Family planning prevents pregnancy. Abortion stops a beating heart.

At a time when the Congress has lost the trust of the American people, we must do what is right.

The taxpayers, not pro-abortion forces, pay for title X. I ask my colleagues to support family planning with integrity and oppose this bill.

□ 1400

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN], the author of the legislation to overturn the rule.

Mr. WYDEN. Madam Chairman, I would just make three points.

First and foremost, in the next few days, family planning clinics all across this country are going to have to decide whether to comply with the gag order or give up critical Federal funds. So we are going to see medical programs faced with a very simple choice: Tell the truth and give up essential medical services that our citizens need. I think it is clear that, when those clinics have to make the decisions, they understand what is really at issue is the well-being of the poor.

Despite the administration's position to the contrary, the gag rule is alive and well. I would say to all my colleagues the Congressional Research Service, the legal research division, has given us an opinion indicating that doctors are still gagged. The American Medical Association wants the gag rule to go. But the law as it is stated on paper keeps the gag rule alive.

Finally, I would ask my colleagues to support this legislation because without it we will take another step toward two-tier health care in America. Already the gap in health care is widening between the haves and have nots. Without this legislation the gap will get wider.

Madam Chairman, I urge my colleagues to support the bill.

Mr. BLILEY. Madam Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Chairman, it's time to focus on the truth about the title X family planning regulations. In the year since the Supreme Court's decision, there has been a incessant smokescreen of distortions about the regulations and what they do.

The Court upheld these regulations because they properly interpret the Congress' 21-year exclusion of abortion as a method of family planning in federally funded clinics. The truth is sim-

ply this: The Congress and the American public do not equate elective abortion with birth control.

Title X was enacted over 2 years before the Roe versus Wade decision; however, its relationship to abortion was a matter of controversy from the beginning. At the time, some backers of the legislation wanted abortion present in the program as a method of family planning, but the House and Senate, through section 1008, rejected this direction.

Why is it then, that abortion is suggested again as a component of the family planning program? Why is abortion presented in a slightly different manner each time that title X comes up for consideration?

We must keep the important but limited role of the family planning program clear: it is a preconception prevention program. We have always defined and structured it in this manner. When a client is diagnosed pregnant she must be referred for continuing care. It is inappropriate for title X clinics to advise women on pregnancy decisions.

We must maintain a wall of separation between abortion and family planning. Abortion is not family planning. It is family cancellation. It is that simple.

I include for the RECORD a letter signed by a number of organizations in opposition to H.R. 3090.

THE ABORTION IS NOT FAMILY PLANNING COALITION

APRIL 30, 1992.

DEAR MEMBER OF CONGRESS: We, the undersigned national grassroots organizations, want you to know that we consider the upcoming vote on the Title X reauthorization bill (H.R. 3090) to be a crucial pro-life vote of this session. Our voting records and our grassroots activities will reflect the importance we assign this issue.

Last year, President Bush vetoed the entire $204 billion Labor/HHS appropriations bill because of a provision to overturn the Title X regulations. The President will veto H.R. 3090.

H.R. 3090 would overturn the regulations maintaining the Title X program's statutory separation of abortion and family planning methods, and would also mandate counseling and referral for abortion as a routine method of family planning in Title X clinics.

From its inception, this family planning program was intended to promote preventative family planning options. This was made crystal clear in its 1970 statute and conference report. These common sense regulations were necessary only when it became clear that taxpayer funding was being used to funnel tens of thousands of women and young girls to abortion clinics each year.

Planned Parenthood, the nation's leading abortion provider and leading recipient of these funds, has spent millions of dollars to convince you that this is not an abortion issue—this, from an organization whose abortion to prenatal care ratio is 32:1 (according to 1988 statistics). And, in 1989 Planned Parenthood performed 122,191 abortions in their own facilities and referred women and girls for another 100,000 abortions.

While Planned Parenthood has marketed the "free speech" argument quite aggressively—and misleadingly—it has not been disclosed the fact that it stands to lose $37 million a year, should abortion promotion be excluded from the Title X program. As Planned Parenthood pushed the "free speech" button publicly, it quietly demands that our members pay millions and millions of dollars to subsidize its abortion promotion through abortion referrals, counseling for abortion, scheduling clients for abortion, arranging transportation to abortion clinics, and abortion follow-up.

We ask you to oppose H.R. 3090 and to sustain President Bush's anticipated veto. We will consider every vote in favor of H.R. 3090 a vote for abortion promotion in family planning clinics funded with our members' tax dollars.

Sincerely,

Wanda Franz, Ph.D., President, National Right to Life Committee; Pat Robertson, President, Christian Coalition; Beverly LaHaye, President, Concerned Women for America; Tom Glessner, President, Christian Action Council; Louis P. Sheldon, Chairman, Traditional Values Coalition; Gary Bauer, President, Family Research Council; Carl G. Anderson, Vice President for Public Policy, Knights of Columbus; Phyllis Schlafley, President, Eagle Forum; and Richard Land, Executive Director, Christian Life Commission, Southern Baptist Convention.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Madam Chairman, I rise in support of H.R. 3090, a 5-year reauthorization of the Federal Family Planning Program, title X of the Public Health Service Act. Title X is a primary health care program intended to make family planning services available to low-income women. The program funds about 4,000 clinics that provide services to 4 million women annually.

Title X services are provided at approximately 141 clinic sites throughout Tennessee. The third district has 14 clinics that are partially funded by title X: 10 health department clinics, 2 planned parenthoods, and 2 others. On average, each clinic serves 1,088 patients per year. Title X funds comprise 36 percent of each clinics family planning budget.

This is not a debate about abortion—as its proponents claim. I've worked as a voice for those who have had none throughout the years I've served in the Congress. Since the inception of the title X program in 1970, there has been a prohibition of title X funds for abortion services. Reports by the General Accounting Office and the Department of Health and Human Service's inspector general have substantiated that title X funds are not used to perform abortions.

The issue at stake here is providing adequate resources for family planning programs which serve women seeking to avoid unplanned pregnancies. Title X is the only major Federal program for this purpose. Through access to the services provided by title X clinics, countless pregnancies, and abortions have been prevented.

This is an important health care issue. Far too many low-income women are medically underserved because they don't have adequate health insurance or can't afford the services of a private physician. Many low-income women depend on title X funded clinics as their primary entry into the health care system. For a large number of title X clients, family planning clinics are their only source of primary health care.

Most women who receive contraceptive services are also provided with a range of other preventive health care services, including screening or referral for cervical and breast cancer, anemia, hypertension, kidney dysfunction, diabetes, and HIV. Without title X clinics, many women would not receive adequate care and treatment in these vital areas.

The bill includes a provision to overturn the gag rule forbidding family planning personnel from counseling or referring pregnant women on the option of abortion. Unless Congress acts, title X clinics have until early May to comply or lose their Federal funds.

If family planning clinics lose their Federal funding for noncompliance with these restrictive regulations, some will be forced to limit their services severely or close entirely. If this happens, many low-income women will not be able to receive comprehensive, quality health care—further exacerbating the Nation's already burgeoning health care crisis.

Recently, the administration modified the gag rule to allow physicians to mention all legal options available to clients. However, the vast majority of clinics do not have a physician on site. Most family counseling and medical services are provided by specially trained nurses and counselors under standing orders from an physician who serves as medical director.

Hiring physicians to perform counseling would cost a great deal more than most of these clinics can afford, and may very well result in decreasing the number of low-income women title X clinics can serve. Clearly, nurses, nurse practitioners, physicians assistants, and trained counselors, which provide over 95 percent of the care in family planning clinics, should not be forbidden from responding to a woman's questions regarding abortion. There are instances when a woman's health may be compromised by pregnancy and an informed decision is essential. Health care professionals must be free to provide all the information that sound medical practice requires. This is fundamentally a free-speech issue.

Prohibiting health care professionals from all available options with title X clients would establish one set of criteria for low-income women and a dif-

ferent set for women who are financially secure—in effect establishing a two-tier system for health care. This is unfair. Poor women should have access to the same information as women who can afford the services of a private physician.

The bill requires that family planning personnel provide counseling and referral services on all pregnancy options, including prenatal care and delivery, infant care, foster care, and adoption; and pregnancy termination. Such information is to be provided only at the client's request and only in a nondirective manner—not suggesting or advising one option over another. Abortion cannot be advocated. This would write into law guidelines in effect since 1981.

The bill also contains an important provision to require entities that both receive title X funds for family planning services, and also use non-Federal funds to provide abortion services at separate facilities, to certify that in providing abortion services with non-Federal funds, they are in compliance with enforced State laws regarding parental notification or consent for the performance of an abortion on a minor.

Title X is a valuable, preventive health care program. Support the passage of H.R. 3090.

Mr. BLILEY. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, we can couch this debate in freedom of speech and the so-called gag rule all we want. We are back here discussing abortion, and we are going to be discussing that until every Member in this Chamber is facing St. Peter at the golden gates.

I have before me here all of the statements of my beloved and distinguished colleagues. Here is the original CONGRESSIONAL RECORD. I have got all the extracts where during prior debates on this they couched everything in terms of the sacred doctor-patient relationship. Now that that has been solved by the administration, my beloved colleagues are still claiming and twisting the truth, saying that it is other things. We have heard from some; we will hear from others: the gentlewoman from Maine [Ms. SNOWE], the gentlewoman from California [Mrs. BOXER], the gentlewoman from California [Ms. PELOSI], the gentlewoman from Hawaii [Mrs. MINK], the gentlewoman from Connecticut [Mrs. KENNELLY], the gentlewoman from Tennessee [Mrs. LLOYD], the gentlewoman from New York [Mrs. LOWEY], the gentleman from Pennsylvania [Mr. KOSTMAYER], the gentleman from Maryland [Mr. MCMILLEN], the gentleman from Washington [Mr. MCDERMOTT], the gentleman from California [Mr. ROYBAL]; all of these people, and I have got their statements right here: doctor-patient relationship.

Madam Chairman, it is solved. That is solved. So what are we really fighting here?

To have a high school volunteer kid who is all enamored up in this abortion cult thing, they want that high school kid to be able to advise other high school kids, or anybody, even if they have been convicted of felonies like this woman who is not a doctor that has had people killed in her abortion clinic out in Maryland who is now back operating. They want anybody in one of these abortuaries to be able to counsel frightened young girls, or confused other people, that they should go to an abortion referral, and in my own county of Orange in California where Planned Parenthood does not perform abortions, they send them right over to beautiful San Bernardino County where Planned Parenthood, with our tax dollars, performs abortions claiming the money is separated from the tax dollars.

I just got off the phone with my wife, Sally, a pro-life activist. She said, "Remind them again the lie and all this talk on the abortion issue, about the word 'viability.'"

□ 1410

If you leave a 1-year-old child alone in the house, that is not viable; that child will either starve to death or electrocute itself to death. No woman has a right to kill a baby that is 1 minute old, 1 week old, or 1 month old, and no woman should have the right to kill a baby 1 minute before birth, 1 month before birth, or 4 months before birth. You stop a beating heart. You stop brain waves. You kill a child in the protection of its mother's womb.

You folks ought to stop twisting the truth on this so-called gag rule. We do not use familiy planning money to kill babies.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON], an important member of the subcommittee and a strong supporter of the family planning program.

Mr. RICHARDSON. Madam Chairman, this bill reauthorizes the Federal family planning program. It deals with infant mortality and with maternal child health.

Our statistics in this country are of a Third World nation, and we must change that.

Madam Chairman, the bill overturns the gag rule. The gag rule is not about abortion, it is about freedom of speech. It is about violating the doctor-patient relationship. It is about providing pregnancy information to all women, regardless of income.

The bill makes no change in the legal prohibition against providing abortions with family planning money. The bill requires that family planning clinics comply with State laws on parental notification of minors seeking privately funded abortions.

The fundamental premise of this bill is that preventing pregnancy by providing all information prevents abortion.

I rise today to express my strong support for H.R. 3090, legislation reauthorizing the program that provides funding to family planning services all across the country. This legislation also contains a very important provision—it overturns the administration's gag rule.

Since the administration published regulations in 1988 gagging family planning clinics from providing complete information on all pregnancy options, women have been plagued by the fear that their right to choose would be abolished. Since then, a more conservative Supreme Court upheld both the Webster and Rust cases providing an additional opportunity for States to chip away at the constitutional right to choose

Just recently, the Supreme Court heard the Pennsylvania case which contains some of the most restrictive anti-choice provisions ever passed. The Court is expected to reach a decision on this case sometime this summer. If this case is upheld, it will effectively overturn Roe versus Wade, thus eliminating a woman's right to choose.

The legislation before us today, is the first step toward protecting a woman's right to choose. In order for a woman to make a choice, she will have all the information regarding pregnancy options. The current regulations violate the confidentiality of the doctor-patient relationship by prohibiting the dissemination of information. Furthermore, even if a woman asks or if her life were in danger she could not be provided with information regarding abortion. Considering the majority of women who receive services from family planning clinics are low to moderate income, these regulations discriminate against poor women. If you're rich, a private physician can and will provide you with all the information regarding your pregnancy options, including termination of the pregnancy. But if you're poor, the information provided to you will be restricted thus restricting your options.

I think we should take the opportunity presented to us today to send a message to our constituents and to the White House—that we are not going to stand by and support regulations that deny poor women information about their health and their options. Every woman in America, regardless of income, is entitled to receive all the information about her pregnancy options.

Madam Chairman, I am proud to stand before my colleagues today and express my strong support for this important legislation affecting women's health. I believe the passage of this bill will show that Congress supports equal access to pregnancy information for all women and that we will not tolerate the revoking of constitutional rights simply because our judicial body consists of new Members.

Mr. BLILEY. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, title X was set up to assist people with preconception services. It is tragic that now we are hearing advocated a change which would require the taxpayers of the United States, many of whom,

most of whom, oppose abortion as a method of family planning, to have their tax dollars involved in this awful business.

Title X should be preserved as it is. Under H.R. 3090, abortion counseling and referral can be given to a child under the age of 18 without the knowledge of the parents. This represents a major Federal intrusion into the parent-child relationship.

Furthermore, yes, this bill is somewhat about speech, but not in the fashion we have heard represented. Because this bill would mandate speech, even when it affronts the beliefs of those who are being compelled to offer it, by requiring that the title X provider offer abortion counseling, even if abortion is contrary to the religious or moral beliefs of the provider and its employees.

Madam Chairman, in clear contrast to the objective of the reform regulations, H.R. 3090 would provide that personnel who were not trained in the full range of obstetrical care could counsel women for post-pregnancy care.

Madam Chairman, the existing program was designed to assist people with family planning information. Eighty percent of the people staffing those clinics are volunteers. It is not desirable or appropriate to make the changes in H.R. 3090 which basically are going to have these volunteers involved in the very sensitive issues of referring people and counseling people with reference to abortion.

Madam Chairman, I urge the defeat of H.R. 3090.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Madam Chairman, this legislation overturns the administration's so-called gag rule in family planning clinics. We must overturn this rule, in order to retain the credibility of medical professionals and to provide patients with appropriate, complete, and necessary medical care.

The President has tried to deflect criticism of the gag rule with a new interpretation that is vague, contradictory, and ultimately meaningless. The bottom line is, the President and the Government should not be in the business of determining medical ethics. Either health professionals may tell the truth to their patients, or they may not.

Madam Chairman, I am one physician who has read those rules, and they still prohibit you from telling a woman what she needs to know. The President's attempt to weasel around fundamental medical ethics represents cynical politics at its worst. The gag rule is nothing but voodoo medicine. It is dishonest, it will not work, and it is the wrong prescription for the country. It is unworthy of the health care professionals who serve in these clinics and the women who depend upon them.

Madam Chairman, I urge my colleagues to support H.R. 3090.

Mr. BLILEY. Madam Chairman, could I inquire of the time remaining on both sides?

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 15 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 23 minutes remaining.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Chairman, since the gentleman from California [Mr. DORNAN] mentioned a number of Members of Congress by name, particularly a group of women, saying that these Members, myself included, no longer have an argument concerning the patient-physician relationship, I feel I must set my own remarks aside to read from a letter from the American Medical Association.

The interpretive guidelines issued by the Department of Health and Human Services on March 20, 1992 for implementation of the regulations also fail to fully clarify how physicians are to counsel their patients. They expressly limit the substantive scope of counseling that may be provided in a title X clinic and artificially constrict the physician-patient dialog in ways that are inconsistent with sound medical care. Additionally, physicians are concerned that the regulations fail to define both their supervisory role and their ability to delegate authority to other members of the health care team who also bear substantial responsibility for the delivery of patient care.

Madam Chairman, we certainly still have an argument. There certainly is still a gag rule that should not be there.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Madam Chairman, today we have the opportunity to restore integrity to our Nation's family planning program. Integrity that has been stripped away by a Bush administration dictum, known as the gag rule, which restricts medical professionals except for physicians working at title X clinics from offering patients counseling about, or referral for, pregnancy termination—counseling that had been required by the title X program since its inception in 1970.

In attempting to show that this gag rule does not truly restrict information given to patients, the administration has begun issuing statements that have been both disingenuous and misleading. Most recently, after receiving hundreds of thousands of negative comments regarding the gag rule, the administration issued guidance stating that "doctors may be permitted to counsel pregnant women about their right to an abortion."

This is a red herring. The administration knows full well that the vast majority of title X clinics, chronically underfunded and largely ignored by this administration, cannot afford to have a full-time physician on staff. Counseling services and routine exams are normally performed by nurse practitioners who still fall under the restrictive regulations of the gag rule. If nonphysician practitioners are not allowed to provide family planning counseling and referrals, many low-income women will not receive the information that they want and need.

Clinics across this country have already pledged to forfeit their Federal funds rather than abide by a regulation they feel is unjust, medically unsound, and contrary to their professional integrity. That means, for the more than 4 million women currently served by title X clinics, access to health care services will be made difficult, if not impossible.

The family planning program was established by Congress to allow women to prepare for pregnancy, prevent unwanted pregnancy, and gain access to preventive health care. This mission is being subverted by the administration and sets a terrible precedent for future health care services in this country. If these restrictions are allowed today, more restrictions can go into effect tomorrow limiting the practice of all Government funded programs with which this administration does not agree.

I urge each of my colleagues to support H.R. 3090. Allow free speech for all medical professionals and reauthorize this important program.

Mr. BLILEY. Madam Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Madam Chairman, I have consistently in the past supported and voted for family planning. However, the legislation we are considering today would mandate counseling referral for abortion as a pregnancy management option.

I am opposed to repealing the regulation which places limitations on abortion counseling referral by Federal family planning programs. Abortion is not and should not be a part of family planning. Madam Chairman, to me abortion is the termination of life, the killing of life. I cannot support that. As a result, I will have to vote against H.R. 3090.

Mr. WAXMAN. Madam Chairman, I am pleased to yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Chairman, today I rise in support of H.R. 3090, the Federal family planning reauthorization. We have tried since 1985 to reauthorize this program, and for 7 years in a row, despite overwhelming bipartisan support, this crucial program has been thwarted by a callous and obdurate Republican White House. This program provides Federal funds to over 4,000 family planning clinics which offer vital services, training, and education

to over 4 million low-income women who may have no other access to pregnancy-related health care. Unfortunately, because this measure seeks to overturn the diabolic gag rule regulations, the funding of these necessary services is threatened with a Presidential veto.

We can no longer allow a cold-hearted Bush administration to insidiously destroy one of our most fundamental democratic rights: the right to speak freely. Yes, the gag rule is an infringement of this right. And today we must reclaim this freedom by passing this bill with a veto proof majority.

Last month, in an attempt to delude the American people, the President of the United States introduced a modified version of the title X regulations and he hailed them as a repeal of the gag rule. However, under these so-called clarified title X regulations, physicians continue to be restricted from supplying their patients with complete reproductive information. The doctor still may not counsel or refer a patient for an abortion; so much for the President's promise not to interfere with the doctor-patient relationship. Obviously, this is just another failed attempt by Mr. Bush to talk out of both sides of his mouth.

Furthermore, the original language of the gag rule remains applicable to all title X staff. It is these health care providers who most interact with patients and provide 90 percent of the counseling and referral of pregnancy options. By limiting the speech of these trained professionals, the patient is at risk of not receiving complete information, even if she asks for it.

The gag rule will impact all women in this country, yet its most devastating affect will be on women and teenagers from low-income families who rely on Government assistance to obtain their health care. Bush is telling American women, that the freedom to choose an abortion has a high price; and those who can pay, can choose. Abortion is still a legal medical procedure in this country; and if a woman has the money to pay for private health care, she will still have every pregnancy option available to her. Sadly, economically vulnerable women, will lose their access to information regarding their reproductive choices.

Complete pregnancy option information is not all that will be denied to these 4 million women. Continued underfunding of this program deprives women of other vital health care services provided by these federally funded clinics. For 83 percent of the women and teenagers who visit a title X clinic, these family planning centers are their only source of primary health care. Title X's goal is preventive care. Yet, how can this goal be attained if breast and cervical cancer detection examinations, tests for sexually transmitted diseases, and HIV screenings are not available to those who need them.

These title X restrictions will jeopardize the health of millions of poor women, young and old. The family planning program must be reauthorized so that we can continue to provide economically disadvantaged women their fundamental right to unrestricted health care services and their constitutional right to choose an abortion. I urge my colleagues to overturn the gag rule by overwhelmingly showing support for H.R. 3090.

□ 1420

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Madam Chairman reauthorizing our Nation's family planning program is of critical importance. The title X program has not been reauthorized since 1985. Moreover funding for the program has declined from $162 million to $150 million over the last 10 years. Yet over 3 million unplanned pregnancies occur annually in the United States. Sixty-five percent of those women eligible for family planning services do not receive them because of inadequate resources. As a result, the United States leads all Western countries in teen pregnancy and childbearing rates. We are the only developed country that has an increasing teen pregnancy rate.

Title X clinics have proven successful at attacking these problems by providing contraceptive services and preventive health services to low-income women who would otherwise to forced to go without any gynecological health care altogether. In fact, for 83 percent of title X clients, their title X clinic is their primary health care provider.

In addition to serving the needs of nearly 4 million low-income individuals; the title X program saves health care dollars by diagnosing and treating sexually transmitted diseases [STD's], cancer, anemia and other health problems early. These clinics also teach individuals how to prevent unintended pregnancies and the spread of STD's including AIDS. For every public dollar spent on family planning services, $4.40 is saved in medical, welfare and social services related to a lack of such services.

Regardless of a person's position on the abortion debate, family planning makes enormous sense. After all, it is the key method of preventing unintended pregnancies. If we can effectively prevent pregnancies, we reduce the need for abortion. That's a goal with which everyone can agree.

The title X program has been one of the most highly respected and successful Federal health programs, but the integrity of the program has been put at risk by the administration's continued insistence on gagging health care providers and restricting patients' access to full medical information.

When George Bush acted to modify the gag rule, he was right in understanding that this policy does not have public support. But he was wrong to think that cosmetic changes would make a bad rule right.

He may have removed the gag, but he has replaced it with a muzzle. While the wording may have changed, the impact remains the same: The freedom of speech of health care providers is stifled, and the health of women across America is endangered. Americans have made it clear that they cherish these constitutional rights and will not tolerate the censorship of medical information.

H.R. 3090 will restore the title X program's counseling provisions to their pre-gag-rule state by overturning the gag rule regulations and allowing all health care professionals to provide nondirective counseling on all options available to pregnant women.

Why is the gag rule unacceptable?

Because restrictions on the content of counseling between patient and physician are contrary to the ethical practice of medicine and compromise a patient's legal right to give informed consent.

Because quality patient care will be severely impaired if physicians are prohibited from sharing counseling responsibilities with other health professionals.

Most importantly, the gag rule discriminates against low-income women by creating a two-tiered health care system. Under the rule, low-income women receive censored medical information while women who can afford private insurance have access to counseling on all of their legal, medical options.

Many title X clinics will choose not to comply with the gag rule, and thus be forced to forgo Federal funds. This will put poor women at a higher risk for unplanned pregnancies and sexually transmitted diseases.

The planned parenthood clinic in my district, which was a plaintiff in the Rust versus Sullivan case, has told me that if they are denied Federal funds, they will be forced to increase fees for birth control and gynecological services and close two of their satellite offices which are located in areas of my district where these services are most needed.

Who will be affected by these cut backs? Women who have no where else to go for health care services. The average woman in my district earns $165 a week—that is barely enough to live on. They certainly cannot afford to purchase private health insurance or pay for a visit to a private gynecologist which could cost their entire weekly salary.

And it is not just abortion information that they will be refused. They will not get sexually transmitted disease diagnoses, pregnancy tests, HIV

testing, prenatal care, and cancer screening tests. This can only exacerbate our Nation's health care crisis by putting women's lives in danger.

For a President who says he wants to do more for health care in this country, it makes no sense to gag doctors and to move our low-income health care services into the dark ages. But that is precisely what the gag rule does. I am committed to reversing this onerous decision for the sake of women's lives and for the future of this country's health system.

Mr. BLILEY. Madam Chairman, I yield myself such time as I may consume, and I rise in opposition to this legislation.

Madam Chairman, I rise in opposition to this bill.

As we debate H.R. 3090 and the title X regulations, let us remember the history of these regulations. Remember that in 1982, the Government Accounting Office [GAO] and the inspector general [IG] completed investigations into alleged misuse of title X funds. The GAO found that a number of clinics were: First, providing both family planning services and separately funded, abortion-related activities at a single site; second, providing family planning services that did not present alternatives to abortion; third, providing literature that promoted abortion as a backup method of family planning; and fourth, engaging in abortion lobbying activities. Both the GAO and the IG came to the same conclusion—that the Department of Health and Human Services [HHS] needed to give more specific direction and guidance to the program.

Also, let us remember that section 1008 of title X included a prohibition on the use of title X funds in programs where abortion is a method of family planning. Accordingly, to provide more specific direction to grantees and to remain faithful to the underlying congressional intent of the program, the Secretary adopted the 1988 regulations to prevent the abuses that the GAO and inspector general had documented.

The 1988 regulation restored the integrity of the family planning program to what Congress intended it to be. It establishes a standard for what is permissible in a federally sponsored title X program. Moreover, it only applies to the activities of that part of a family planning project supported with title X funds.

And, as the Supreme Court has recently ruled in Rust versus Sullivan, the Secretary's regulations do not restrict the grant recipient's freedom of expression, but instead restrict the content of a specific, federally subsidized project. And certainly, the Government can limit the use of its funds, and selectively fund programs which encourage activities in the public interest. In this situation, the Federal Government has made the value judgment favoring childbirth over abortion, and is furthering that objective by the allocation of public funds.

In the press flurry since the Rust decision, there have been many inaccurate statements concerning the regulations. Let me try to clear some of this up.

First, the regulations do not govern grantee activities that are not part of the title X project. It does not affect State or private family planning programs if they are funded by non-Federal funds.

Second, this regulation does not prevent a woman from seeking and obtaining an abortion outside the title X program. The regulation merely assures that Federal moneys do not go for the purposes of promoting, encouraging, or advocating abortion.

Third, if a woman's pregnancy threatens her health, she will be immediately referred to proper treatment. If the title X clinic identifies a medical emergency, the client will be referred to an appropriate medical provider for treatment of that condition.

Finally, on March 20, 1992, the Department of Health and Human Services issued a guidance document that clarified concerns that have been raised concerning the doctor-patient relationship. The memorandum states:

> Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

And the clarification further requires that physicians refer a pregnant woman with a health problem to medical care appropriate to her particular health problem, even if that referral results in an abortion.

Madam Chairman, I oppose this attempt to overturn the Secretary's regulations. It does not make sense to have a federally sponsored program providing information on abortion, when it is the one and only method of family planning specifically prohibited under its statute. It does not make sense that a program originally intended to reduce abortion should provide counseling and refer women for abortions.

Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Chairman, once again the debate over Federal funding for family planning clinics under the title X program is upon us. And, once again, the issues are being clouded by those who want to include abortion as part of the program's referral and counseling services.

In the first place, no one ever seems to remember that the purpose of the title X family planning program is to provide preconception care. In other words, it is meant to assist women either to become pregnant or to avoid becoming pregnant. However, once a woman actually is diagnosed to be pregnant, title X clinics are no longer the appropriate care provider—their work is over.

Congress specially designed this program to be a link to continuing care programs, and it was not intended to be a comprehensive care program. If a family planning clinic were to discover a health problem such as diabetes or high blood pressure in a woman during the course of regular contraceptive procedures, the clinic would be compelled to refer the woman to a comprehensive health care provider. Likewise, if a woman participating in the program is found to be pregnant, title X clinics are required to refer her elsewhere for further assistance.

Those who oppose the regulations prohibiting counseling for abortion need to remember that from its creation one of the mandates of the title X program has been that no title X funds may be used in programs where abortion is a method of family planning because abortion is simply not considered to be an acceptable method of family planning. Counseling about abortion, therefore, appropriately is prohibited as well because it would suggest that abortion is a valid method of family planning and that the Federal Government is willing to fund it.

Proponents of abortion continue to cloud the debate by claiming that this is a free speech issue, when in fact their own actions demonstrate that it is not. If this debate were over the issue of freedom of speech, then advocates of abortion would not be pushing for greater restrictions on abortion alternatives.

I will point out two court cases to my colleagues which serve as good examples. One is *Akron* v. *Akron Center for Reproductive Health, Inc.*, 462 U.S. at 446–49, where advocates of abortion have vigorously sought to have laws that would require physicians to counsel their patients about the risk of abortion declared unconstitutional. In the second case, *Bowen* v. *Kendrick*, 487 U.S. 589, 1988, advocates of abortion sought to restrict recipients of Federal funds from counseling teenagers about alternatives to abortion. Where is their free speech argument in these two cases?

We are encountering this situation even now in the Pennsylvania case being argued before the Supreme Court, as abortion advocates are adamantly opposed to the concept of giving a woman full information on the abortion procedure and the development of her baby so that she can make an informed decision. Does this mean abortion advocates have something to hide?

I urge my colleagues to separate the issues, to recognize the purpose of the title X family planning program, and to oppose H.R. 3090, which is a huge distortion of it.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Madam Chairman, the legislation that we are dealing with today is really a class issue. This vote today is really about whether we are going to side with women in this country or side with the President and the Supreme Court, who are telling working and poor women that they are second class citizens. They are telling women that they are not entitled to know the full range of health care options. If you are a wealthy woman you can get all the advice that you need with regard to your pregnancy. But unless we pass H.R. 3090 today, the poor women of this country will not have

that right. Free speech will be a question of class status.

In decision after decision, the Supreme Court and the President continue their assault on women's rights. Poor women, sick women, and young women are having their reproductive choices taken away from them. The gag rule denies women access to information about decisions that will affect their entire lives. If we do not pass this legislation, today, we will be denying low-income adults and teenagers access to information that could prevent the continued feminization of poverty.

Sixty-seven percent of teenage mothers and children live in poverty and only 1 teenage mother in 50 will finish college. When children have children, there is no escaping poverty. Forty percent of all American women become pregnant in their teenage years, and most of them and their children join the ranks of the poor, which costs us $20 billion annually. Yet before us today we have a chance to prevent that from happening by passing H.R. 3090.

By reauthorizing the title X family planning program we will restore some of the drastic cuts that have occurred since 1985. These dollars are essential so that we can assist adult and adolescent women in planning their pregnancies and avoiding unwanted pregnancies. When 65 percent of those eligible for services cannot get them, and when 83 percent of title X clients rely on the clinics as their only source for primary health care, it becomes imperative that we restore funding.

If information and access to safe and legal abortions is denied, women will have to put their lives on the line. We must guarantee the 3.7 million low-income women who depend on title X services that their confidentiality with their health care practitioners is secure. Their health care providers cannot be gagged. Let us not insult our health care providers, let us not insult women, let us not insult all Americans with a gag order on medicine.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Madam Chairman, I rise in support of the family planning reauthorization, H.R. 3090. Since its enactment in 1970, title X has provided a critical source of Federal funding for family planning and has been one of our Nation's most successful health care programs. This legislation to reauthorize the program is even more crucial because it calls for the overturn of the gag rule.

Title X clinics provide family planning services for over 4 million low-income women each year. In the State of Texas, over 200,000 women go to clinics that receive title X funds. Many of these women have a history of health problems, such as diabetes or hypertension, that might make a pregnancy dangerous for them. More and more of these women are testing positive for AIDS. Not to inform these women of the dangers associated with pregnancy is not only bad medicine, but an invitation to medical malpractice. Under these regulations, physicians are potentially endangering the health of pregnant women by being prevented from telling them the truth about what may be in their best medical interests.

We must take action now, and send a clear message to the President that he is out of step with the Nation on this issue. American women who seek medical counsel deserve to be told the truth about all of their pregnancy options. I urge my colleagues to support the family planning reauthorization and overturn the gag rule.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Madam Chairman, when I was practicing medicine, I never differentiated between patients as to whether they could pay or not for the information or care that I provided to them. My point in arriving here is the gag rule creates two standards, is exactly what it does. It makes a differentiation between those people who can pay and those who cannot pay.

This is not an issue about abortion, not an issue about a decision as to whether or not to have an abortion. This is about Government interference with a doctor-patient relationship.

We have seen too often in the last several years the Government interfering, micromanaging the delivery of health care, and this is just another instance of that. This is about removing and taking care of those providers who provide health care to patients, removing them from that liability or threat that is posed to them by the gag rule.

I urge passage of this legislation, particularly from that standpoint.

Mrs. ROUKEMA. Madam Chairman, will the gentleman yield?

Mr. ROWLAND. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Madam Chairman, I rise today in strong support of H.R. 3090, the title X reauthorization bill and want to associate myself with the fine statement of our colleague Dr. ROWLAND. I do so as a Republican, as a woman and as a mother of three, and I do so in the name of simple decency.

The Federal Family Planning Program, since its inception, has operated under a policy of providing not only a plethora of health care services but has done so under a policy of providing their clients full information regarding all medical pregnancy discussions.

My colleagues, as you are aware this bill contains language that would prohibit regulations that deny Federal support to family planning programs that use other resources to provide abortion services, information or referrals. In other words, we act today to lift the gag rule.

This issue is the most intimate and most profound moral issue that a woman has to face. Do we really want to put Government into the position of making these decisions? Rather than the decision made by the woman in consultation with her family, her doctor, and her spiritual counselor?

I also want to refute the allegations of my colleague from New Jersey, Mr. SMITH, who characterizes this bill as advocacy for abortion. It is no such thing. It is keeping government out of dictating to women what her choice should be even in the most difficult of medical circumstances.

There is nothing in this legislation that prohibits a State from enforcing a parental notification requirement under the laws of the State. Madam Chairman, during this debate a number of Members have falsely asserted that this bill prohibits parental notification. It does not.

It is unfortunate that opponents must use specious arguments and scare tactics in opposing this medical choice option.

The real issue I say to my colleagues is that without the language in the conference report we are saying that we support a two-class system. A system which denies the women the consultation with a doctor. A two-class system in this society that is: those who have the money to make the choice can make their own moral choice for themselves; but those who do have the money to make the medical choice for themselves, will have to continue to be victimized. In other words, those who cannot afford the legal right to an abortion are victimized for the rest of their lives. In my own district, family planning services which rely on Federal funding, would lose 12 percent of their budget, forcing them to close clinics, thus reducing the number of women for whom they can care.

I also warn my colleagues that without this language, physician-patient relationships are in jeopardy. The need for open dialog between patient and physician is crucial. Constraints on what a physician can say to a patient can only result in serious medical implications for the patient.

Mr. Speaker, in the name of simple decency I say to my Republican colleagues that we must keep Government out of this moral decision and I urge them to vote in favor of H.R. 3090.

Mr. BLILEY. Madam Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Chairman, it is time to tell the truth about title X regulations. The truth is that this is an issue of taxpayers' choice. It is simply unconscionable that the tax dollars of the overwhelming majority of Americans who reject the notion of abortion as birth control would be used to fund a family planning program that

makes no distinction between the two, and that provides no role for parents in the crisis pregnancy decisions of their daughters.

The fact is that the title X program was created as a preventive family planning program, intended to help poor women avoid unplanned pregnancy and to plan the timing and spacing of their children. The statute, conference report, and floor debate before their passage in 1970 all made it excruciatingly clear that there was never to be an entanglement between title X activities and abortion-related activities. The regulations have corrected abuses of taxpayer dollars and have restored integrity to the program.

What is perplexing, Madam Chairman, is the insistence by some members of Congress that somehow taxpayers suddenly have the obligation to fund activity that the vast majority of Americans find morally wrong—the promotion of abortion as a method of family planning and the exclusion of parents from their daughters' crisis pregnancy decisions. The taxpayers, not pro-abortion lobbyists, pay for the title X program.

In addition, Madam Chairman, parents need the title X regulations in order to protect parents' right to know. Simply stated, the health and welfare of our children is threatened by attempts to overturn safeguards in the title X program, a program that sees in excess of 1 million teenagers a year.

In their efforts to push a pro-abortion agenda, the abortion lobby has tried to muffle the voices of mom and dad—the only gag in this debate. All of our rights as parents are certainly more fundamental than those of an abortionist.

I ask my colleagues to support taxpayer choice, parents' rights and support family planning with integrity.

I urge a "no" vote on H.R. 3090.

□ 1430

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Chairman, the reauthorization of title X and the repeal of the gag rule is our last opportunity to put an end to the appalling and humiliating second class treatment women will receive beginning in May under the administration's regulations.

Make no mistake about it, women clearly comprehend that the gag rule regulations translate into taking a backseat to men in their medical care. They are rightfully angry and frustrated, and I have no doubt this will manifest itself in the November elections. I for one don't believe women will sit idly by any longer and watch as a male dominated Congress continues to advance an imprudent and harmful trend.

Your vote on this legislation will clearly show whether or not you believe women deserve complete medical information; whether or not you believe that a woman's economic status should determine the degree to which she is protected by the U.S. Constitution; whether or not you believe that the Government has the authority to censor the speech of medical professionals.

In addition to repealing the gag rule, this bill reauthorizes title X and provides $180 million in 1993 to family planning clinics. These funds enable family planning clinics to provide contraceptive, family planning education, and gynecological exams to approximately 4 million low-income women.

Every day, thanks to the guidance and resources of family planning clinics, thousands of low-income women are protected against sexually transmitted diseases and unwanted pregnancy. Therefore, there is no better investment for both sides of the abortion debate than strongly supporting family planning programs.

Madam Chairman, those who support both antiabortion and anticontraception policies leave women with no realistic alternative to unwanted pregnancy. This position only exacerbates the current crisis of unwanted pregnancy and abortion and does nothing to solve these problems.

The entire thrust of the title X bill is solving this crisis through prevention: prevention of sexually transmitted diseases, prevention of reproductive cancers, and prevention of unwanted pregnancy. Additionally, there are significant savings in public dollars—every public dollar spent on family planning saves $4.40 in public health and welfare costs.

Family planning is one of the most significant tools in reducing the incidence of abortion and should be recognized as such. I urge my colleagues to vote in favor of the reauthorization of title X and the reversal of the gag rule.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Madam Chairman, I rise in strong support of this bill. We have heard a lot today from the antichoice crowd, most of it wildly erroneous. I would like to refocus this debate and bring it back to the real world.

The title X program is the only source of health care for hundreds of thousands of American women. In my home State of Oregon alone, more than 50,000 people are served by title X programs. Family planning is only one feature of title X, which includes breast cancer screening and pap tests, as well as treatment for sexually transmitted diseases.

The health care professionals who run title X clinics are enormously committed to the work they do. They know that they are part of a government program that actually works and they're proud of it.

I have talked to people like Allie Stickney, director of Planned Parenthood of the Columbia/Willamette, about what this bill means to the future of title X. Her answer is that without this bill, this important women's health program has no future.

Not only are the current funding levels woefully inadequate to the growing need, but we must deal with the ethical and practical problems posed by the infamous regulations that have come to be known as the gag rule.

The administration's shameful wrangling over which health care professionals are permitted to say what to whom about abortion has undermined the program immeasurably.

Yesterday, the board of Planned Parenthood of the Columbia/Willamette voted to give up its $512,000 title X grant—one-quarter of its budget—rather than comply with the institutionalized medical malpractice the White House is imposing.

Why is the gag rule institutionalized medical malpractice? Because health care professionals at title X clinics aren't permitted to give pregnant women the information they need to make informed medical decisions. Even HHS' recent directive to title X clinics only allows abortion referrals when a doctor knows a woman's health is threatened by the pregnancy. That's often irrelevant—not to mention impossible.

Finally, to top it all off, it only allows a poor woman to be referred to a health care provider whose primary activity isn't providing abortion services. That may sound fine, until one considers that most States do not have a full service health care facility that performs abortions.

In the coming weeks, other family planning clinics that stand by their patients' right to know all their medical options will join Planned Parenthood of the Columbia/Willamette in turning down title X funds. Some clinics will be forced to close their doors as a result. That's just plain wrong, and we can stop it by voting today to pass this urgently needed bill.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Chairman, I thank the gentleman from California for yielding time to me. I also commend him for his efforts on behalf of the women who do not have the power or the authority or the confidence to speak for themselves.

Madam Chairman, I want to talk a little bit about the Planned Parenthood in New York that is located in the South Bronx. It bases nearly 27 percent of its operating budget on Federal funds. It has decided it would rather close its doors than comply with Federal regulations. Did it make that decision because they are pro-abortion? Of course not. It made that decision be-

cause abortion is the legal law of the land, and they feel compelled to inform women of their legitimate legal rights.

I have a quote from a woman who has been going to the Planned Parenthood. She is age 28. She said to me that she has been coming here for many years. She came with her boy friend, who is now her husband. They had sex for the first time and they were very naive about it. She said:

I just could not speak to my mother and my friends. They were not the best people for me to take advice from. They didn't know more than me. I have also been coming to the clinic for my regular gynecological care. I get checkups and pap smears.

In conclusion, she said

People will not bother to find another place if this place closes, and a lot of mistakes will be made.

I urge my colleagues not to let these mistakes be made.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Chairman, I rise in strong support of H.R. 3090, the Family Planning Amendments Act. Because title X has not been reauthorized since 1985, funding for family planning programs has been cut. Family planning services are critical in reducing the incidence of teen pregnancy, unwanted pregnancies, and abortion, and is an integral element of our worldwide efforts to slow population growth. Title X provides health care services to 3.7 million low-income women and adolescents each year, often serving as the sole health care provider to this population. In addition to contraceptive services, preventive health care services, such as screening and referrals for HIV, and breast and cervical cancer, are provided. No title X funding is used to pay for abortions.

Family planning clinics have been burdened not only by the lack of a reauthorization, but also by the outrageous restrictions of the gag rule. Family planning clinic health professionals must be able to give their clients complete information about their legal reproductive options. To deny this process represents a clear violation of the first amendment, will lead to defensive medicine, and will create a class system for women's health. Women who can afford private physician care will have complete information and access to these health services, while low-income women will be denied the same services, even when they are the victims of rape, incest, or life-threatening illnesses.

The administration's guidance memorandum continues to provide restrictions on physicians, despite reports to the contrary. Other title X staff, such as nurses, nurse midwives, and physician assistants, are still completely gagged; these health care professionals provide the vast majority of physical exams and counseling in family planning clinics.

The gag rule is patronizing to women, and it must be repealed. H.R. 3090 reverses the gag rule and finally reauthorizes title X. Today's vote is one of the most important votes of this session for women, and I urge my colleagues to support the bill.

Mr. BLILEY. Madam Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Madam Chairman, I thank the gentleman from Virginia for yielding time to me.

Madam Chairman, the central issue in this debate is who should be counseled, by whom, and for what purpose. If the proponents of this legislation were serious about advocacy of the sanctity of the doctor-patient relationship, they would have brought to us legislation that provides only for counseling by doctors to the patient, but that is not what this legislation does. It provides for a range of people who do not have medical qualifications to counsel frightened, confused, and emotionally vulnerable women coming into a counseling center, expecting—but not getting—solid doctor-patient medical advice but, more likely, getting a range of other kinds of advice.

That is what troubles me about this legislation.

I could support a provision allowing doctors to counsel clients at a clinic affected by his legislation, but limiting such counseling authority only to a doctor. It is not right to create, with Federal funds, conditions under which a pregnant woman may be guided in a direction that professional medical advice may not take her. That is why I am opposed to this legislation.

Mr. WAXMAN. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Madam Chairman, it is with no light feeling of emotion that I come to the floor and discuss a very important piece of this issue that I would like to share with my colleagues and those who would listen.

A young woman, living with my wife and I, not so long ago came to my wife to tell her that she was pregnant and that she was going to have an abortion. We are a pro-life family. My wife, after some discussion, referred this young woman to a title X clinic. Following that session she asked Arlene to talk with me, for she did not want to tell me of this circumstance. She saw me to tell me of the counseling session and that she was going to have this child.

I visited Sacramento not very long ago. A 6-year-old girl is alive today, I believe, because that counseling was available to her. I have examined this as deeply as I can and can only conclude that if we close the door to such counsel that many a life will be lost, so as a pro-life member I urge you to consider voting for this amendment.

□ 1440

Mr. BLILEY. Madam Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Madam Chairman, normally around here when one side suggests loudly that the debate is not about something that is a pretty good indicator that that is exactly what the debate is about. And Member after Member on the other side of the aisle has come up and said this debate is not about abortion. Ladies and gentleman, that is a pretty good indicator, because that is exactly what this debate is about. That is all that this debate is about. It is about abortion.

The facts have been clarified since we last debated this on the appropriation bill. So the rhetoric has changed. The doctor-patient relationship, so sacred throughout all of the debate just last year, now has been replaced with the medical team, which is somehow sacrosanct. But the objective is the same.

My colleagues, the question we face really is simple: Should the taxpayers subsidize the promotion and facilitating of abortion? Perhaps that word "facilitating" in my view best illustrates the differences between Members whenever we approach an issue related to abortion on the floor of this House. No one on either side of the debate seriously doubts that a woman who wants an abortion in this country, who decides she wants one, is going to get one. But what about the woman, or dare I suggest the couple that is not so sure, that are troubled, stressed, on the horns of a dilemma?

No one ever comes to this floor and says abortion is a good thing. In fact, most people come to the floor and say they are personally opposed to abortion, but—yet, whenever an issue of public policy is involved, we bend every rule, spend every dollar, and contrive every excuse to make abortion a more likely decision rather than a less likely decision.

That is what this is about, using taxpayers' money to help tip the scales for that troubled, stressed woman in favor of a decision to abort her baby. Federal dollars are precious. We should be spending them on prenatal care and neonatal care and maternal help and adoption. We should not be subsidizing a nationwide system of abortion promotion centers and referral centers.

It is bad enough that this country has an inability to come to grips with the fact that the unborn deserve some measure of legal protection and cannot find the courage to protect the unborn outright, those who have no one to speak for him or her.

That unborn child already faces a cultural bias against children that sees people as pollution. Let us not add to that unborn child's difficulties the obstacle of a Federal counselor urging his or her troubled, fearful mother to have an abortion.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Madam Chairman, I rise in support of H.R. 3090, the title X family planning reauthorization bill. This legislation is extremely important, and I urge my colleagues to join me in supporting it.

Let us make sure we understand that there is no tax dollars in this bill for abortion. Whether or not people decide to have an abortion on their own, they will have to finance it on their own, and none of this money will go to pay for it.

But it is about family planning and financing, and every study shows that the availability of family planning services reduces the incidence of abortion. Oh, yes, if you want to have the discussion be about abortion, fine, I can agree with the gentleman from Minnesota, VIN WEBER. But it is not increasing abortions, it is reducing abortions, and that is what family planning services do.

But what this bill is also about is not what women can hear, it is about what low-income women can hear, because high-income women, moderate-income women have no trouble hearing the full range of options, and if she is a woman who decides to have an abortion, she will find a way to do it. But there is one group in society that may not hear about every option that they may have, and they may not be able to make their own decisions, and that is low-income-women. This is a bill about what low-income women can hear, and if we say that they cannot hear what everybody else hears, then this really is a political bill. This is really political medicine at its worst, and I think that is no role for medicine. Let people make their own decisions. Let us support family planning and not confuse it with subsidizing abortions, which this bill does not do.

Funding for this valuable program, which provides family planning services along with related preventive health services to low-income women, has fallen by over two-thirds in inflation adjusted dollars over the last decade. About 3.7 million low-income women and adolescents every year use services from title X funds and for about 83 percent of these clients, these clinics are their only source of primary health care.

H.R. 3090 is not only important because it reauthorizes title X, but it also eliminates the administrations gag rule to outlaw the discussion of all family planning options in clinics supported by title X funds.

The Bush administration's gag rule is poor health policy, it discriminates against poor women, and it denies health care professionals the right of free speech. The gag rule sets up a two-tiered system of medicine based solely on income and violates the original intent of title X. This program's goal, when enacted was to provide complete information to low-income women and help them prevent unwanted pregnancies. We are not achieving this goal if we have a gag rule policy on these clincs.

Over 3 million unplanned pregnancies occur each year and this number will only increase if we do not eliminate the gag rule. Many family planning clinics will no longer accept title X funds if they have to comply with this restriction because they want to provide the best possible health care to those they treat. The result will be that these clinics will be forced to serve fewer clients.

We should not support any program that gags a health care professional from giving all legal medical options to a patient. To do so would be both unethical and immoral. With the gag rule, health care professionals would be forced, in effect, to practice political medicine.

The even greater danger of this policy is its broader implications. We should not allow the administration to gag free speech in order to pursue a specific political agenda: ending legal abortions.

A policy of politically controlled speech could be applied to other programs such as doctors receiving Medicare funds, lawyers receiving public defender funds, or schoolteachers receiving Federal funds. I fear where this policy could eventually lead.

Today with this legislation we have an opportunity to strengthen a good Federal program and also to eliminate the gag rule policy. By passing this legislation we can confirm our commitment to helping poor women and also preserving free speech. We can also remove the shackles of political control over professional medical opinion. And finally, we can erase the proposed two-tier system whereby low income women receive different medical advice than all others when facing crucial personal decisions on pregnancy.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Chairman, I rise to share my views and my position, not to seek to persuade or to argue for it.

I rise in behalf of family planning, and indeed in support of the Family Planning Act before us. I have thought about it a great deal, as I think we all have. I am opposed to abortion. I am a right-to-life advocate, actually.

But I have checked this thoroughly in the clinics in Wyoming. None are managed by Planned Parenthood. None have an affiliation with an abortion clinic. But they do provide an opportunity for counseling for poor women.

I have concluded that local people do have a good deal to say about what goes on through their contracts. The States can make rules, as we did in Wyoming on parental notification, which I support. So I believe the real answer falls with trying to avoid or to educate in a way to avoid unwanted pregnancies.

I rise in favor of family planning, unrestricted.

Mr. BLILEY. Madam Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia has 6 minutes remaining.

Mr. BLILEY. Madam Chairman, I yield the balance of our time to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I am saddened by the turn of this debate, because so many good people, sincere people have such widely divergent ideas about what this is all about.

First of all, everyone has begun to accept the surgical procedure called abortion as though it was another surgical procedure, an ordinary one, an appendectomy, except for the fact that it is an extermination of a little human life, a little defenseless, voiceless, voteless human life. And it is one of the most serious things that can be done.

I also resist the notion of some of our wonderful speakers here that this is antiwoman. It certainly is not antimillions of women in this country who bitterly oppose abortion. It is certainly not against the millions, and I mean millions of tiny, unborn children who are female. So to arrogate to yourself the authority to speak for women it seems to me is quite elite, and it is something that I resist.

There is an enormous difference between family planning, which we are supportive of, which we want to pay for, which we want to flourish, and abortion. That is fundamental to this discussion. Abortion is not a part of family planning. Family planning has to do with fertility and contraception, getting pregnant or not getting pregnant. But once you are pregnant, you leave the area of family planning and you go into prenatal care.

Your definition of prenatal care is really prenatal destruction, because you do not want to care for that little child that has been conceived. You want to eliminate that child as though it were a used Kleenex, and that is the tragedy, and that is the sad part of this.

The gag rule, and if I hear that again I will probably gag, I want to run to the rail, because every proponent of this legislation I am sure opposes the Pennsylvania legislation that is now before the Supreme Court which calls for informed consent. The last thing they want is a woman seeking an abortion to know exactly the consequences of what she is doing. The last thing they want, and listen to their arguments, is for parental notification, much less parental consent. So who is for the gag rule around here?

And this bill is a massive infringement on freedom of speech, because this bill mandates that people in the clinic tell women of the option of abortion. If you forbid someone from saying something or if you mandate that they say something else, you are interfering with their free speech.

The real question is in a program that is designed specifically for family planning do they have to be made a promotion, a distribution center and commercial outlet for abortion?

Many of us want to support family planning. We cannot support abortion. The two are dissimilar, but you hang abortion on every legislative vehicle you can.

□ 1450

That is what is wrong.

Say, if you think abortion is a good thing, if you think exterminating defenseless unborn children is a benign thing or a neutral thing, then support this bill.

The tragedy is you are taking my tax dollars and making me pay for your promotion of a surgical procedure that kills, that kills. Forgive me if this is ungenerous, but I do not know how else to say it and be honest myself, you do not have the intellectual honesty to talk about abortion. You talk about reproductive rights. You talk about choice.

We were originally told that this issue concerned the sacred relationship between doctor and patient. I even heard gentleman talking on this issue who do not know that the doctor is freed up under the regulations to talk to the patient about anything he wants or she wants; that doctor-patient relationship is inviolable.

But the question is: Should counselors, should untrained volunteers, should receptionists provide medical advice to people? Oh, yes, you say so long as they are steering people to an abortion. That is wrong.

We were told the last time we debated this issue that this whole thing was about the doctor-patient relationship. The gentleman from Washington [Mr. MCDERMOTT], whom I listened to with great interest, said, and I quote:

The concept of a President saying to me, as a physician, what I can and cannot tell a patient of mine about life-and-death issues is the worst sort of Government intrusion into people's private lives. Today the President wants to step between a physician and a woman faced with a critical medical decision.

The distinguished gentlewoman from Connecticut [Mrs. KENNELLY] says, "Yet under the gag rule, a doctor is barred from telling a woman all her medical options, even if she has cancer, diabetes, or AIDS. Can you imagine what a dilemma this poses for a doctor, whose professional responsibility it is to provide sound advice for his or her patient?" And it goes on and on and on.

Well now, today it is not doctor-patient relationship. That has been taken care of. It is counselors. It is nonphysician staff that are involved in this. And I am also upset when it is painted as a class issue: poor women do not get to share in the federally paid for vices that rich women have, exterminate their young. If a rich woman can kill her baby, a poor woman ought to be able to kill her baby. Say, it is the children of the poor that we get to save a few of by denying Federal funds for them to kill their children. It is the poor of the rich that are at risk and are vulnerable.

Abortion is not a boon, something to be sought after. Abortion is an evil, and it is something to be avoided.

Mr. WAXMAN. Madam Chairman, I yield myself 2 minutes to take exception with the remarks that have just been made by the gentleman from Illinois.

This gag rule would, in fact, prevent a doctor who knew that a woman may not survive her pregnancy from even knowing where she could get services to deal with that life-threatening condition.

The rules that we should put in place would be to give her the truth, to be honest, not to direct her, not to refer her if she did not want a referral. But if a woman wants to know the truth, she should be told the truth. She should be told the truth by a doctor, a nurse, a nurse practitioner, a counselor, or any other able person there who is a health professional.

Let me assure people here that doctors are not protected under this gag rule to do what they think is best in their medical judgment. Let me also assure the Members that most people do not get to see doctors, especially low-income people. Generally, they get to see a trained nurse or other appropriate health professional.

A nurse practitioner who works in a title X clinic can counsel a woman on any gynecological problem, on any sexually transmitted disease, on any cancer or any other medical situation and refer her to an appropriate place for a needed service.

These family planning clinics do not do abortions. They may not. They can only tell a woman, if we allow them to, that she has to go to another place for that service.

But under the gag rule, they cannot even talk about the word "abortion" or tell her where she can get that service.

Madam Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I rise to express my strong support for H.R. 3090, the Family Planning Amendments of 1991, and once and for all removing President Bush's gag from thousands of health care workers across the country.

Yesterday, Madam Chairman, the House all but shredded that section of the Constitution which lays out the separation of powers, and today some of my colleagues want to strike down the first amendment. That's certainly not a legacy I want to be remembered for: Two of the most basic tenets of our democracy being subjected to the political whims and posturing of George Bush.

President Bush is once again training his gun sights on American women and their fundamental right to make informed reproductive decisions, and to control the destiny of their own bodies. After filing a brief before the Supreme Court earlier this month in support of Pennsylvania's anti-abortion law, the President is now ready to assure that he has a say in the reproductive decisions of low-income women who use title X services.

Title X has provided family planning assistance to clinics across the country for over 20 years and it is unfortunate that President Bush found it necessary to cave in on his once staunch support of planned parenthood.

The gag rule, Madam Chairman, does not equally touch all American women, but unfairly targets those women who cannot afford to go to private physicians, and thus must rely on the government for advice and assistance. It says that poor women shouldn't be able to have the same reproductive options as their wealthier sisters, simply because they cannot afford it. And it says that women are not capable of making this most personal of decisions without George Bush's Orwellian guidance.

Let us not be fooled by the President's apparent backtracking by saying that the gag rule doesn't apply to doctors. Doctors still will not be allowed to make referrals. And worse yet, he smugly knows that such family planning clinics are primarily staffed by nurses and counselors who will still be gagged.

Madam Chairman, the world is not crisp and clean and pastel like a Brady Bunch episode. When is the President going to realize that young women get pregnant and sometimes find it necessary to have an abortion. It is not something revolutionary. It is just a fact of life.

The problem of unwanted pregnancy plaguing our Nation is indeed a tragedy. And so is the tragedy of unwanted children, and child abuse, and incest, and children living in poverty. Let us concentrate on the illness, Madam Chairman, not the symptoms. Let us educate our youth, and rebuild our cities, and clean drugs out of our city neighborhoods. But let us not continue to pare down the individual's right to privacy in a misguided self-righteousness.

Just what is the President afraid of? Information and facts, Madam Chairman, will not result in a greater number of abortions. But the lack of appropriate counseling will once again relegate women to the status of second-class citizens.

I urge my colleagues to help in overturning the gag rule. Support this legislation.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding me this time, and I also thank him for his leadership in bringing this important legislation to the floor.

Madam Chairman, I rise in strong support of H.R. 3090, the title X reauthorization bill, to increase funding for the Nation's family planning program and overturning the administration's gag rule regulations prohibiting federally funded clinics to advise women of every medical option available to them.

In listening to the gentleman from Illinois [Mr. HYDE], our colleague, earlier, it seems he thinks that in these clinics there are two categories: doctors and receptionists. There are many health professionals in between who would be deprived of the right to tell women what their options are.

Again, I want to thank the distinguished chairman, the gentleman from California [Mr. WAXMAN], for this hard work. This is a freedom-of-speech issue, and it is an issue of fairness.

Many of my colleagues have already spoken about this legislation.

I just want to add in closing that I have said to my colleagues, please, affirm the women's constitutional right to freedom of speech and all medical personnel having the ability of letting the women of America know that we will not let their rights be taken away from them. I say this to you, my colleagues, not as a threat but as a prediction: The women of America will not allow this Congress to take away their ability to think, to hear, and to decide for themselves.

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Chairman, title X of the Public Health Service Act of 1970 hasn't been reauthorized since 1985 and has suffered as a result.

Before you vote today, once again consider the services the 4,000 title X clinics now provide to over 4 million patients, most of whom can't afford to go to private physicians. They screen for breast and cervical cancer, diabetes, anemia, and HIV. They provide treatment of sexually transmitted diseases, community education on health issues, and, yes, reproductive health information and contraceptive services.

This gag rule is totally unacceptable in a free and open society. Moreover, it is contrary to public health interests and violates all rules of common sense. It must be overturned.

Many title X clinics have already announced they will forego Federal funds rather than submit to the HHS regulations prohibiting clinic personnel from offering clients complete abortion-related information. The consequent reduction in clinics' operating budgets will lead to fewer services and an increase in fees. This can only exacerbate the core controversy surrounding this legislation, by taking away affordable access to contraceptives; the number of unintended pregnancies in this Nation will skyrocket.

Title X recipients provide needed, valuable services to economically disadvantaged women. The gag rule blocks their ability to provide full and accurate medical information to these women, and it must be overturned.

Let me say that continually throughout this debate opponents of this legislation have talked in terms of those who favor abortion. Let me assure them that there are a lot of us who do not favor abortion, but we for darn sure want choice in America.

Mr. HUGHES. Madam Chairman, I rise in strong support of H.R. 3090, legislation reauthorizing title X of the Public Health Service.

Title X provides grants to clinics across the country which perform a wide range of valuable family planning services, including fertility counseling for couples unable to conceive, prenatal care, contraceptive assistance, sterilization, and treatment of sexually transmitted diseases. Title X funds cannot be used to finance the performance of abortions or any abortion-related activity.

Services provided by family planning clinics are a necessary and valuable component of our country's health care system. As we seek ways to expand the availability of health care to all our citizens, it would be a huge mistake to reduce or eliminate title X which currently serves approximately 4 million women per year.

I also wholeheartedly believe that patients who rely on title X clinics for health care services are entitled to receive information about the same legal medical options available to them as are available to every citizen of this country. Anything less represents an unequal treatment of citizens under the law.

Some of our colleagues raise concerns about the morals and values reflected in a Federal policy which funds services that provide complete medical information to all clients—including information about abortion. They are particularly concerned about the message this policy sends to our Nation's young people.

However, I do not believe that the Federal Government, or organizations to which it provides funding, should be charged with the responsibility of moral arbiter in these very personal and private matters. Rather, the goal of the Federal Government is to provide the necessary funding so important, accurate health care information is available to every citizen so they can make their own best and most appropriate personal health care decisions.

It is the responsibility of our Nation's parents to instill their own system of values in their children. Armed with the teachings of their parents, children can then understand the information they receive—from whatever source—about very sensitive issues including abortion, aids, contraception, and other reproductive-related issues.

I urge my colleagues to vote for this important piece of legislation, which includes the provision overturning the so-called gag-rule, so millions of women may continue to receive important health care services and in the process make well-informed medical decisions.

Mr. WILLIAMS. Madam Chairman, I want to commend the chairman for bringing this bill to the floor. I know it has been a long time since this important program has been reauthorized and I am grateful for the chairman's and the committee's work on the bill.

I rise to speak today because there is a critical issue at stake, a basic tenet of our Constitution, freedom of speech. When the administration issued regulations limiting health care professionals from expressing their professional guidance and advice and the Supreme Court upheld those regulations I believe it sent two clear messages, the first being that physicians did not have the right to express their medical opinions to patients. The second message is that low-income women are second-class citizens and, therefore, deserve incomplete medical information from their doctors.

Medical professionals working in Government-sponsored family planning clinics could not longer rely on having a confidential relationship with their patients. They no longer could use their professional judgment to offer advice and counsel to a low-income pregnant woman seeking guidance about her medical options. Instead they would be forced to offer a political answer, one that had been handcrafted by the White House—abortion is not to be discussed by the Federal Government.

The gag rule, as the President's title X regulations have become known, was modified by President Bush in March. Now doctors are allowed limited freedoms in mentioning abortion but remain gagged when discussing abortion providers or making abortion referrals. They also cannot delegate their counseling authority to anyone who is not a doctor. It is clear that the decision to modify the regulations was again based on political advice from the White House. The modified regulations are the administration's latest attempt at smoke and mirrors to lull the public into believing that the gag rule really doesn't interfere with the doctor-patient relationship.

The regulations still prevent nurse practitioners, physician assistants, and nurses from speaking about abortion. The fact of the matter is that these folks provide the vast majority of the counselling in federally funded family planning clinics. The President's regulations are an insult to all medical professionals but especially to these fine men and women—suggesting that they don't have the expertise or professional ethics to provide complete medical information to their patients.

The President has certainly made his point that low-income women should not have the privilege of being fully informed about their own medical condition. He does this by limiting the actions and words of health care professional if their clinic receives Federal funds. I think it is high time that we act to protect the rights of health care professionals and the lives of low-income women.

I encourage you to vote for H.R. 3090.

Mr. GILMAN. Madam Chairman, I rise in support of H.R. 3090, the family planning amendments of 1991. I commend the distin-

59-059 O—96 Vol. 138 (Pt. 7) 38

guished chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, for introducing this measure.

The title X National Family Planning Program was signed into law in 1970. This program annually provides funds for about 4,000 family planning organizations that serve nearly 5 million low-income women. Title X funds provide poor women with general reproductive health care and information about family planning.

Madam Chairman, the title X program has functioned effectively for over 20 years. Family planning clinic health professionals must be able to provide their clients with all available information regarding their health options. This important program has proven to be highly cost effective. With every public dollar spent on family planning services, an average of $4.40 in short-term costs is saved in medical care, welfare, and other social services.

For those concerned about the inclusion of abortion funding in this measure, it should be noted that this bill makes no change in the legal prohibition against providing abortions with family planning money.

In addition H.R. 3090 includes a reversal of the gag rule. Currently, health care workers in family planning clinics can't counsel their patients as they see fit. They can't discuss abortion at all unless they have an M.D., and even doctors can't refer patients to abortion clinics for needed services. The nurses and counselors who see the vast majority of title X patients still can't provide the professional services women expect and deserve.

Madam Chairman, it is time to overturn the gag rule, a policy which violates a woman's right to privacy and reproductive choice, as well as interferes with the doctor/patient relationship.

Accordingly, I urge all of my colleagues to support H.R. 3090.

Mr. STUDDS. Madam Chairman, I rise today in strong support of this bill. The House has an opportunity to take two important steps—to reauthorize the title X family planning program, and to rescind the administration's gag rule, which would undo so many of the gains that we have made in family planning over the past 20 years.

In 1981, the title X program received $162 million in funding. In the current fiscal year, it has been allocated only $150 million. The bill before us today authorizes $189 million for the next fiscal year, increasing to $237 million in 1997.

The need to fund the program at higher levels—to provide services for more eligible low-income women and teenagers—is clearer than ever. Over 3 million unplanned pregnancies occur in the United States every year. We have the dubious distinction of leading all Western countries in teen pregnancy and childbearing rates that have, distressingly, been increasing in recent years.

The cost to taxpayers of teen childbearing is high—over $22 billion annually in AFDC, Medicaid, and food stamp payments. But pregnancy prevention is much cheaper. For every $1 that a title X family clinic spends, the taxpayer saves $4.40 that would otherwise be spent on medical care, welfare, and other social services.

Reauthorizing the title X program today will only do half the job. We must also take that crucial second step—to overturn the administration's gag rule. This regulation prevents medical personnel in title X clinics from advising a woman about her right to an abortion—even if an abortion is medically indicated by physical conditions that may threaten her life.

This administration is deathly afraid of the virulent antichoice minority in its party—a small minority, but a vocal one. So it goes to extraordinary lengths to placate them, including this gag order that denies to low-income women and teenagers complete information about their medical condition, and their medical options.

But the President is also afraid to further alienate the pro-choice majority of Americans. So guidance was issued last month that the administration trumpeted as a loosening of the restrictions. But I say to my colleagues: Do not be fooled.

Physicians are still free to tell a patient where she can obtain an abortion, if that is her decision. Nurses and physician assistants—who perform over 90 percent of the counseling in family planning clinics—still cannot provide complete medical information to their patients.

The gag rule establishes a dangerous medical precedent. It says that ignorance can masquerade as medical care and that a physician's oath can be circumscribed by the Government.

The American public overwhelmingly rejects this notion. This Congress has already voted resoundingly to overturn the gag rule and I urge my colleagues to do so once again. When we created the title X program 20 years ago, we did not intend to muzzle health care providers. But we didn't say that loudly and clearly enough.

But this time, let there be no mistake. Title X providers must be able to inform individuals of all pregnancy management options and we must write this explicitly into law. I urge my colleagues to support this bill so that we can send an unequivocal message to this administration that it cannot get away with distorting the laws we pass for its crass political purposes.

Mr. GREEN of New York. Madam Chairman, I rise to express my strong support for H.R. 3090, the Family Planning Amendments of 1991. One thing that must be absolutely clear as we debate this bill today is that H.R. 3090 reauthorizes the title X family planning programs. It will provide desperately needed contraceptive information and services to low- and moderate-income women so that they can prevent unplanned pregnancies. It will also enable clinics to provide screening services for high blood pressure, breast and cervical cancer, sexually transmitted diseases, and HIV infection, because these services are necessarily part of providing medically responsible contraceptive advice. H.R. 3090 is about providing those services to women who may not have any other contact with the medical establishment. And because H.R. 3090 overturns the gag rule, title X patients will receive all the necessary information that they need to make medically responsible decisions.

It must also be made clear that the title X program does not now and never has provided abortion services. It is time for us to tell the extremists who not only oppose abortion but also oppose efforts to prevent abortions that we will no longer allow them to define the terms of our debate. It is time for us to provide the leadership that the American people desperately seek and support programs that, in the words of the Preamble to the Constitution, "* * * promote the general Welfare."

I also should like to remind my Republican colleagues that the title X reauthorization bill builds on a commitment that another Republican administration made in 1970 when it created the title X program to encourage family planning. I urge my colleagues on both sides of the aisle to renew that very worthy commitment and vote for H.R. 3090.

Mr. SYNAR. Madam Chairman, I strongly support H.R. 3090, the Family Planning Amendments of 1991. It is regrettable that a program which is dedicated to eliminating unwanted pregnancies through counseling and access to contraception is mired in controversy over the abortion issue. The raison d'etre of family planning programs is to prevent abortions. Family planning clinics which receive Federal funds are prohibited by law from using those funds to provide abortions. Those laws are strictly enforced. There has been no instance of a clinic violating this law. Thus, issues related to abortion are simply not germane to the debate over funding for family planning clinics. The only legitimate objection which can be made about Federal funding of family planning clinics is that the Government has no business helping low-income women obtain access to pregnancy counseling and contraception. I strongly disagree.

There are over 3 million unplanned pregnancies in the United States each year. Approximately one-third of those pregnancies involve teenagers. Oklahoma has higher than national average rates of teenage pregnancy. Unplanned pregnancies have tremendous social and medical costs. Only 54 percent of all teen mothers in 1983 began prenatal care in the first 3 months of pregnancy. Babies born to mothers who don't receive prenatal care are three times more likely to die in their first year of life. In 1989, 7 percent of all newborns were born with low birthweight. Teen pregnancies account for about one-fifth of all low birthweight births. Infants born with low birthweight are 40 times more likely to die in the first month of life than other babies. Sixty percent of infant deaths occur among low birthweight babies. The hospital-related costs of caring for low birthweight babies are more than $21,000 per child as compared to the $2,800 per child delivery cost for other newborns. Medicaid pays for 30 percent of all hospital deliveries involving pregnant teens, at an annual cost of about $200 million.

Medical research has shown that children born low birthweight are more likely to have hearing, vision, or learning problems and many will require special education services. Low birthweight babies have also been shown to do worse in school than babies born with normal weights. In short, it's estimated that for each $1 spent on family planning services, $4 is saved in costs related to unintended pregnancies.

Moreover, family planning clinics do much more than advise clients with unintended pregnancies. They contribute to the health and well being of women and their babies. For 83 percent of the women who obtain services at

family planning clinics it is their only source of primary health care. Women are provided a wide range of preventive health care services including screening or referral for cervical cancer and breast cancer—the leading cause of death for women—as well as for anemia, hypertension, kidney dysfunction, diabetes, and HIV.

Controversy over the family planning program has centered on the so-called gag rule which regulates what health care professionals can say to their patients. This issue is not relevant to funding of family planning programs since family planning clinics are prohibited from using Federal funds to provide abortion services. Furthermore, no family planning clinic ever has violated this law.

Rather, the gag rule is an unprecedented and completely unjustified intrusion on the rights of doctors and other health care professionals to practice medicine and on the rights of women to receive health care. The Supreme Court's decision in Rust versus Sullivan could well lead to Government regulation of the doctor-patient relationship any time the Government provides funding, including for example, the Medicare Program. Regardless of one's personal view of a women's right to choose abortion, this right exists. It is inappropriate for the Government to deliberately conceal legal health care information from women.

It has been 7 years since the title X program was reauthorized. Consequently, Congress has been unable to increase funding to meet the serious health care needs of women and their families. Sixty-five percent of the women eligible for family planning services do not receive them because the program is not adequately funded. The number of unplanned pregnancies, particularly to teenagers, continues to increase as does the number of low birthweight children born each year. It is time to reverse this trend and to reauthorize the title X program.

Mr. DOWNEY. Madam Chairman, imagine going to your health care provider with a serious problem, seeking professional medical advice and counseling. You are told that there are three legal, medical alternatives available to you, and then because of a restrictive regulation, your health care provider can only tell you about two of them. This is the scenario that will become reality for the over 4 million American women who rely on title X clinics if the administration's gag rule is not overturned.

Since the enactment of the Federal Family Planning Program in 1970, title X health care providers were required by law to provide full information regarding pregnancy options; including prenatal care and delivery, infant care, foster care and adoption, and termination of pregnancy. In 1981, the Department of Health and Human Services issued regulations which specifically stated this was the policy of title X clinics. However, in 1988, the administration issued its infamous gag rule which reversed this longstanding policy and prevented title X clinics from providing complete medical information to their clients. H.R. 3090, the Family Planning Amendments Act of 1991, reverses the gag rule by codifying the 1981 regulations and requiring title X projects to provide their clients complete information regarding all their medical options.

For more than 4 million American women, title X health care clinics represent the only source of health care available to them, providing reproductive health services, family planning counseling, screening for cancer and other diseases, and treatment of sexually transmitted diseases.

This vital program, which was last reauthorized in 1984, has fallen victim to controversy, particularly the controversy created over abortion counseling provisions. As a result, the program has lost funds and has been forced to reduce services. Only 35 percent of the women eligible for family planning services currently receive them. We have before us today not only an opportunity to reauthorize this program at increased funding levels through fiscal year 1996, but an opportunity to clear up the controversy surrounding the administration's gag rule governing abortion counseling.

The controversy surrounding the gag rule involves much more than the issue of abortion. The gag rule is a violation of the first amendment right to free speech and it infringes on health professionals' responsibility to provide their patients with the most complete and accurate medical information available concerning a woman's reproductive rights. In addition, the gag rule violates the laws of New York State, which require fully informed consent for every medical service. Failure to give information on all options is grounds for medical malpractice in New York.

The gag rule also creates an unfair two-tiered system of medical care throughout the country. Women who can bear the expense of health care will receive necessary information and medically appropriate referrals; women who are poor and must rely on Government-subsidized family planning clinics will receive distorted and incomplete advice. Whether one is for or against reproductive choice, we must not allow the Federal Government to violate or unnecessarily restrict the physician-patient relationship.

It is time to reauthorize and increase Federal funding for title X programs, allow title X projects to provide the health care so many low-income American women desperately need, and once and for all, overturn the administration's gag rule which has bound and gagged title X health care professionals. I urge my colleagues to join together and pass this much needed legislation.

Mr. ATKINS. Madam Chairman, a couple of months ago it was rumored that President Bush was finally backing down on the gag rule.

Then we found out that the gag rule would be applied only to health professionals who were not doctors, rendering the exception useless to nearly all clinics.

But even this is not the full truth.

In fact, according to the American Bar Association and others, the new regulations do not even sufficiently clarify what communication may be permissible between doctor and patient.

So we are left with a so-called compromise that does not provide any compromise.

The gag rule prevents people in the United States of America from speaking freely.

It is cruel and insulting to women and to all Americans.

Madam Chairman, the gag rule is monumentally stupid.

But the real issue here is health care.

The vast majority of title X patients go to family planning clinics for primary health care.

They use clinics for family planning services, screening and referrals for breast and cervical cancer, AIDS, and a whole range of other preventative services.

By reauthorizing title X, we are helping these clinics to continue such services.

But by shrouding this debate with the abortion issue, the President is attempting to limit basic health services to women.

The President can no longer attempt to appear moderate while clinging to extremism.

The President is holding up AIDS tests, mammograms, and Pap tests because of his desire to play election year abortion politics with poor women.

This is one more example of discrimination against women's health issues so that the President can pay off a political debt to a handful of extremists.

And that's immoral.

Ms. SLAUGHTER. Madam Chairman, at long last, 7 years after it expired, we have before us a bill to renew and strengthen one of the Nation's most important public health programs. Despite such neglect by Congress, Title X has managed to assist 4 million women each year in about 4,000 publicly funded health clinics.

The program has been unauthorized largely because Congress has been unable to resolve issues of how abortion relates to title X funding. The easy answer is that it doesn't: Since the program's inception in 1970, not a single penny of public funding has been spent on an abortion in a title X clinic.

The 4 million women who go to title X clinics each year do so to get services and information on a range of reproductive health needs: basic gynecologic care, contraception, infertility, pregnancy tests, and sexually transmitted diseases. Yet under the gag rule regulations about to be enforced by the Bush administration, title X clients will not be provided with information or options that could dramatically affect their lives.

The Bush administration wants to provide this type of incomplete service to the millions of generally low-income women who rely on title X clinics for reproductive health services.

H.R. 3090, the bill we will vote on today, will reverse the administration's ill-advised gag rule and reinstate the law that has worked successfully for more than 20 years. It will ensure that all clients can receive all information from all the trained professionals working in title X clinics.

The gag rule is supported by the administration and by organizations seeking to eliminate women's reproductive choices. Nobody else.

H.R. 3090 and its repeal of the gag rule is supported by medical groups including the American Medical Association, the American Nurses Association, and the American Public Health Association. It is also supported by a plethora of unions, good government advocacy groups, and women's rights organizations.

The gag rule has set a dangerous precedent. It says that those organizations that accept Federal funds must be subject to the

whims of the administration's ideology, that their employees are not free to provide information that all other similar, not Federally funded organizations, provide as a matter of course.

This is not a question about abortion because title X clinics don't use their Federal funds for abortion. It's a question about free speech, and whether the Government has the right to gag medical professions from giving their clients full medical information.

Our Constitution established safeguards to keep intrusive government out of our private lives. The gag rule violates that concept in a way that interferes with a patient's ability to receive full medical care.

The gag rule gags clinic employees. If we do not overturn it, we signal our compliance to the administration, which might then decide it wants to gag employees in Veteran Administration hospitals, in Social Security offices, or any other organization that accepts Federal funds.

Will the United States muzzle its outrage when it is not just poor women who are the victims of a gag rule? I think not.

A majority in Congress has already voted not to implement the gag rule and we owe it to American women to vote today to overturn it completely.

I urge my colleagues to vote for this critically needed bill. The women of this Nation are depending upon it.

Mr. PASTOR. Madam Chairman, today I rise in support of H.R. 3090, the Family Planning Reauthorization Act. This bill contains vital language that will overturn the administration's gag rule.

It is important to fund this program as it is currently providing title X services to approximately 4 million women per year through approximately 4,000 clinics. This legislation has the endorsement of every major medical organization in the United States. Medical professionals assert that the gag rule regulations are an unwarranted intrusion into private relationship between patient and health care professional. The current regulations deny women access to complete information on reproductive matters.

The gag rule has done great harm to women in need of thorough information on reproductive matters. It has significantly stifled a medical professional's freedom of speech. The gag rule dictates that only a physician can discuss certain subjects such as abortion with a patient. Yet, over 90 percent of the counseling in family planning clinics is provided by medical professionals that are not physicians.

My colleagues, I ask that you join with me in repealing the unfair regulations that the administration has placed on title X clinics. There regulations violate a physician's fundamental right to freedom of speech and prevent the patient from receiving full and accurate information on reproductive matters. I urge my colleagues to preserve the integrity of this fundamental right and to join me in supporting this bill.

Mr. FORD of Tennessee. Madam Chairman, I reserve the right to object to the House resolution that the chairman of the congressional Committee on Health and Environment, Mr. WAXMAN, is proposing. I will yield my right to object as long as my colleague, Mr. WAXMAN, recognizes his understanding that there are also other urban-centered health maintenance organizations that have the same inability to meet the 75/25 waiver requirement. Currently the U.S. Department of Health and Human Services and these health plans are also in need of waiver ability as it pertains to the now deemed inappropriate 75/25 legislation. I will yield my right to object to the House resolution providing that my colleague, Mr. WAXMAN, states his intention to sometime in the future look at the needs of specifically, DC. Chartered Health Plan, Inc. [Chartered] in facilitating legislation that will enable Chartered to continue operations without any interruption of services. As my colleague, Mr. WAXMAN, has indicated that the U.S. Department of Health and Human Services has stated that it has no intentions of interrupting the services of Chartered which would result in a health care crisis in the city of Washington, DC, I will yield my right to object in that it is understood that the chairman will cause a review of policy by his committee. It is hoped that he will find a way to establish a waiver specifically for Chartered and that it is his understanding that between he and the U.S. Department of Health and Human Services, Chartered does not have to consider any possibility of an interruption of services as a result of the 75/25 rule; that Chartered now can freely focus on providing the quality health care services that it currently provides in Washington, DC, and can continue to make the significant contribution to the community at large in Washington, DC; and that the District of Columbia is assured that Chartered can remain a viable managed care operation that is working so very hard to provide quality health care services to the Medicaid population in the District of Columbia which is helping to relieve the health care services burden faced by the District.

With this understanding, Madam Chairman, I will state "no objection" to the House resolution concerning the Dayton area health maintenance organization per, again, this understanding of D.C. Chartered Health Plan, Inc., its relationship with the D.C. Department of Human Services, the U.S. Department of Health and Human Services. The future consideration of the operations of D.C. Chartered Health Plan, Inc. by the Congressional Committee with oversight of the legislation of the 75/25 rule is our understanding.

Mr. FRANKS of Connecticut. Madam Chairman, I rise today in support of reauthorization of the title X program. Reauthorization of this bill is even more imperative today because we are confronted with an increase in teen pregnancy, the AIDS epidemic, and an ongoing battle with sexually transmitted diseases. Although this program has been funded through continuing appropriations, I believe this is a half-hearted approach to dealing with the devastating reality of these problems. Today we can change this. Madam Chairman, we have a program before us designed to promote family planning and health care, especially among low-income women. This program must be authorized and legitimized to insure these services remain available, accessible, and affordable to women.

Title X funds over 4,000 clinics providing services to 4 million women. In addition to contraceptive services, family planning clinics provide health services and counseling to women who have nowhere else to go. In many cases these clinics are the only places low-income women can go to receive primary health care. Unfortunately, the issues surrounding reauthorization of the title X program have been constantly focused on the abortion debate. But there is much more to title X than this debate. How many people talk about how well-designed the program is to target low-income women and teenagers, the two groups at highest risk for poor pregnancy outcomes? How many people talk about the information these clinics put together to educate people about family planning? How many people talk about the preventive health services available to women at these clinics? What about screenings for cervical cancer and sexually transmitted diseases? Title X clinics should be applauded for their efforts to address all aspects of a woman's health care needs. On a visit to a planned parenthood clinic in my hometown of Waterbury, CT, I was able to see the care and effort these professionals put into making the clinic accessible and supportive for women.

Aside from providing authorization for all these services, this bill includes language that would reverse the administration's title X regulations, the gag rule, on abortion counseling and referral for title X clinics. Since the inception of the title X program in 1970, title X clinics have provided women with full information regarding all their legal options in the case of an unplanned pregnancy. Between 1981 and 1988 this policy was set down in regulations. Now the professionals in these clinics; nurse practitioners, physicians' assistants and other counselors who sit down with the women and provide the actual counseling, are confronted with a regulation that goes against the original policy of this program. The gag rule will impede the ability of these professionals to do the jobs for which they have been trained. More importantly, it will impede them from giving the care and information women have a right and a need to know.

Madam Chairman, I feel we need to encourage and support family planning clinics, not obstruct and deter what is known to be a successful program of family planning and health care. It is time to reauthorize this program, the only major Federal program we have that goes directly to the need of family planning and avoiding unwanted pregnancies. Madam Chairman, I support this bill, but more importantly I support the clinics and the women who will benefit from passage of this bill.

Mr. BRYANT. Madam Chairman, I am an original cosponsor of H.R. 3090, the family planning reauthorization legislation, which contains provisions that, if passed today, would overturn the administration's so-called gag rule regulations.

I submit, for the RECORD, the following column by one of Texas—indeed the Nation's—most lucid voices: Molly Ivins. As usual, Molly paints a perceptive picture of the ridiculous notion that government can regulate family values and women's bodies.

LEGAL ANSWERS WON'T RESOLVE ABORTION FIGHT

AUSTIN.—Far away from the screaming demonstrators and screaming counterdemonstrators so hopelessly divided

over a woman's right to choose to have an abortion, away from the television cameras and the posturing, away from the pushing and shoving and the harassed cops, in the solemn, quiet hush of the Supreme Court, the only action that really counts on abortion took place last week.

Those who witnessed it said the atmosphere was curiously deflated, they felt none of the tension and suppressed excitement that normally accompanies major arguments before the court. The Pennsylvania case, Planned Parenthood vs. Casey, turns on five restrictions on women who choose to have abortions—one of them patently silly, one potentially devastating for a few minors and the others apparently reasonable, or at least, as the law puts it, "not unduly burdensome" on the surface.

On reading the transcript of that argument I felt—and Sarah Weddington, the Texas lawyer who argued Roe vs. Wade in 1972 and who was in the court last week, confirms—that perhaps the critical moments occurred when two judges asked essentially the same question. Justice Sandra Day O'Connor asked the woman lawyer for the American Civil Liberties Union and Justice Harry Blackmun asked the male attorney general of Pennsylvania, in Blackmun's words: "Have you read Roe?"

It is a bit like trying to bail out the ocean with a teaspoon to make this point again and again in the face of so many people who are convinced otherwise, but Roe v. Wade did not give women the right to abortion on demand. Roe sets up a trimester framework, in which the state's interest in protecting fetal life increases as the fetus becomes viable (able to live outside the womb). Only the mother's life or health takes precedence over the fetal life in the third trimester.

The two most troubling restrictions in the Pennsylvania law are the requirements that a married woman inform her husband and that minor women get the consent of their parents before they can have abortions. You could sort of see the justices goggling at the first requirement: O'Connor wanted to know if there were First Amendment implications in compelling speech. She also asked about the First Amendment implications of compelling doctors, as the Pennsylvania law does, to describe a great long list of fetal development, options and social services.

The best information available indicates that 95 percent of married women seeking abortions do inform their husbands, as the vast majority of teen-agers also inform at least one parent—if they have one they can find. The problem is with the exceptions and the sometimes tragic consequences of state-ordered communication. A woman legislator in Pennsylvania, when the notify-your-husband provision was being debated, proposed a law that would require husbands to notify their wives before having an affair. Her point, of course, was the absurdity of the law requiring communication in a family where communication has broken down.

The Pennsylvania law is silly in that it vitiates its own requirements. The exceptions to the husband-notification requirement are medical emergency, when the husband is not the father of the child ("I'm going to have an abortion, dear, but don't worry, it's not your child"), when the husband cannot be found, when the pregnancy is the result of a reported sexual assault or when the woman believes it is likely she will be physically abused. Somehow all this, according to the Pennsylvania attorney general, will "further the integrity of marriages." O'Connor was clearly intrigued by the odd discrimination involved—unmarried women in Pennsylvania are not required to notify the fathers.

If you have ever talked with minor girls who apply for the court's consent to get an abortion rather than notify their parents, you understand something of the wretched tangle of violence, incest and physical abuse that afflicts so many families. When legislatures go about putting restrictions on abortion as though every family consisted of Ozzie and Harriet and two darling children, they add another terrible burden to lives that are already almost unbearable. You cannot save the life of an unborn child by driving its mother to suicide.

A particularly thoughtful letter-to-the-editor last week noted that those on both sides of this issue who harass others and break the law "do not have a commitment to the movement beyond meanness and revenge against uppity women and/or super-righteous Christians." The feminists' claim that many who profess to care for "unborn children" are actually more interested in controlling the behavior of women is sometimes evidenced in the most comical ways. The Wall Street Journal carried an account of the Battle of Buffalo last week that included a vignette of a 69-year-old man shouting at a pro-choice woman: "You have a choice: Stop screwing around." Oh dear. Well, there are still a few people who think that's what's at stake.

But far from the maddening crowd, where the majesty of the law comes into play, the issues, oddly, seem more nakedly clear. The only question is: Who is to decide? The government or the individual? A government that has the power to make a woman bear a child she does not want also has the power to make her abort a child she does want. The two apparently polar opposites here—actually flip sides of the same coin—are China and Romania. In China, the government forces women to have abortions; in Romania, until recently, the government forced women to have one child after another after another, with awful results. In both countries, there was state control over women's wombs.

I would love to be able to "split the difference" on this terrible question, to be able to say, in gooey Pollyana fashion, "Let's all work together to prevent unwanted pregnancies." Settling the legal questions on this issue will not settle the moral ones, but I cannot believe it is wise to give government the power to make these decisions.

Mr. ENGEL. Madam Chairman, I rise today in support of H.R. 3090, the reauthorization of the Title X Family Planning Program. The fact that this legislation even needs to be debated undermines the basic constitutional rights guaranteed to each American citizen. I'm talking about a woman's right to choose and a doctor's right to free speech.

Restricting a woman from making private decisions concerning her own body is an insult to this country's basic belief in every individual's right to privacy. Women deserve access to the most complete information available so they have the opportunity to make the most knowledgeable choice possible. An unwanted pregnancy is a tragedy that no woman should have to face. It is a disgrace that the leaders of this country are trying to make that decision even more difficult, by threatening to strip away women's inalienable rights to lead their own, autonomous lives.

Opposing this legislation will not result in discouraging women from having abortions. Opposing this legislation will result in women having to make uneducated and ill-advised decisions, for which they will not be prepared. My colleagues, it is foolish to spite the women of this country and force them to resort to illegal and unsafe abortions. It will be impossible to turn a blind eye to the outrage that will ensue if these rights are not secured for women. I urge you not to insult the intelligence of the women in this country. Women must have the chance to learn their options so they can make fully informed, educated choices about how to treat their bodies.

In addition, it is imperative that we defend physicians' rights to uphold their legal and ethical duties to their patients. Healthcare workers must be free to fulfill their professional obligations to provide the best medical treatment they can. They must be free to speak honestly and openly to women in order to offer their most prudent advice and guidance. Every person has the right to full medical knowledge, regardless of their age, sex, or financial well-being.

This legislation is a comprehensive plan that provides family health care services through a national network of 4,500 public and private community based clinics. If passed, each public $1 spent to provide contraception services will save $4.40 in first year taxpayer costs for services associated with unintended pregnancies; an overall of $1.8 billion in savings annually. Not only does it help women plan their pregnancies, but it also helps them avoid unwanted pregnancies. I urge you to defend free speech for the medical community, to recognize women as equals who are capable of making decisions free of governmental interference, and to support H.R. 3090, a Family Planning Program that this country cannot afford to dismiss.

Mr. PALLONE. Madam Chairman, I rise in support of overturning the so-called gag rule promulgated by the anti-choice forces in the administration. When first enacted by Congress, the title X Family Planning Program was designed to provide clients with a full range of information on pregnancy options—prenatal care, delivery, pediatric care for newborns and infants, foster care and adoption, and termination of pregnancy. The intent of the enacting Congress has been twisted by an administration in the thrall of the powerful right-to-life lobby. Today we vote to restore sanity to the title X program.

As the abortion debate in this country becomes increasingly emotional and vituperative, we lose sight of true democracy. A woman who can afford to see a private doctor, or who is one of the increasingly few Americans covered by a comprehensive, quality health care plan—that woman gets to hear the full range of options. A woman who must depend on a title X clinic is denied information. Is that democracy? Is that the American way?

Under the gag rule, a woman whose life may be endangered by carrying a pregnancy to term will be prevented from hearing information about the option of terminating her pregnancy and possibly, saving her life. Is that the American way? Or is that an extreme position, which the majority of Americans do not support, which their elected representatives did not enact, but which a single-mindedly antichoice administration has tried to push through the regulatory back door?

Every woman has a right to make an informed choice. That is what democracy means—or should mean. And that is why I urge my colleagues to vote to overturn the gag rule.

Mr. OLVER. Madam Chairman, when the title X Family Planning Program was put in place 20 years ago, its purpose was to provide grants to clinics for family planning services. Clients were offered full information regarding pregnancy options. In 1981, regulations stated that full information should be disclosed but only at the patient's request and in a "nondirective" manner. At least women still knew their options.

In 1988, the administration decided that they knew what was best for the women of America who are seeking information about their pregnancy. Regulations were issued stating that no title X project may provide counseling concerning abortion.

It is bad enough that the Government of the United States of America is trying to control conversations between women and their health care professionals in the medical setting. But worse, the Government of this country is singling out those who obtain health care from a title X clinic.

It is very obvious that if a woman has enough money to obtain a private physician and pay for private counseling, she is once again able to obtain the privileged information of all of her options. With enough money, she can be in control of her reproductive life. A woman's right to choose should never depend upon her economic status.

Eliminating Federal funding from family planning clinics that give information about abortion is an outrageous violation of the right of a woman to make family planning decisions. it also happens to be a serious encroachment of the right of free speech in this country.

When a woman goes to a private doctor's office or a public or private clinic, she expects to hear all of her options—not just those that the present administration of our Government believes she should be told.

I am a cosponsor of H.R. 3090, and I hope that this body will recognize a woman's right to know, a professional's right to discuss, and this country's guaranteed right to free speech, by passing the Family Planning Amendments Act of 1991 and overturning the gag rule.

Mr. KOPETSKI. Madam Chairman, I rise today in support of H.R. 3090, the Family Planning Reauthorization Act. This bill overturns the administration's 1988 regulations which prohibits title X family planning clinics, including the doctors within the clinics, from counseling women about their legal rights to abortions. Unfortunately, the administration's regulations were upheld in the Supreme Court's Rust versus Sullivan decision.

I believe the gag rule is among the most serious issues addressed by this body this year. In my opinion, the gag rule abridges first amendment free speech rights and ignores completely this country's strong tradition of doctor-patient confidentiality.

The gag rule endangers women's lives and blatantly discriminates against poor women. Poor women are most likely to rely on the services of a title X clinic and under the rule, a pregnant woman with a serious medical condition such as diabetes cannot be told that she may need an abortion to save her life.

Madam Chairman, more than 20 medical and nursing organizations expressed their opposition to the gag rule in a recent letter to all Members of Congress. In this letter, the groups succinctly make the case for this legislation:

> We believe that the "gag rule" should be rescinded because it prohibits full and free exchange of complete medical information between patients and health professionals in federally assisted family-planning clinics. The "gag rule" precludes physicians and health care professionals who work in federally funded facilities from disclosing all medically relevant information to patients, even in response to direct questions, about managing an unwanted pregnancy.

The letter continues by pointing out that the gag rule expressly prohibits physicians and health care professionals from speaking openly to their patients about the full range of available medical options. Madam Chairman, the gag rule requires medical professionals to violate their legal and ethical duties to provide complete and objective counseling about health risks, treatment options, and appropriate followup referrals.

Madam Chairman, it is time for this Chamber to overturn the gag rule once and for all. I commend the hard work Chairman WAXMAN and members of the Energy and Commerce Committee for righting this fundamental wrong through H.R. 3090. I urge my colleagues to support this bill.

Mr. SCHEUER. Madam Chairman, we are faced with an enormously important issue here today. We must move ahead with a family-planning reauthorization, which is the antidote to abortion. In 1970, the Congress enacted the Federal Family Planning Program to provide grants to family-planning clinics across the country. I am extremely proud to be one of the authors of this vital piece of legislation that is a triumph for low-income women in this Nation because it provides them with valuable, low-cost family-planning services.

Countries that have adequate, professionally run, and organized family-planning services have a much lesser rate of abortion than countries that have inadequate family planning and where, sadly enough, abortion has to be the method of choice for women who urgently need to control the size of their families.

We have an important constitutional issue on which we have to bite the bullet and settle here today. The gag rule looms over the heads of the title X doctors who will be forced to gag themselves and refrain from providing women with information about pregnancy termination. It looms over the heads of the poor women who have sought information on pregnancy options, but who must be told that, in effect, their options only begin once the child has been carried to full term.

Even if she requests information about abortion services, she can only be referred for prenatal care. This regulation requires health professionals to violate their code of ethics and to expose themselves to malpractice lawsuits. This perversion of medical practice has frightening implications, both in our country and around the world.

In June, a number of us are going to attend the UNCED Earth Summit Conference in Rio. Current projections suggest that, given present trends in fertility, world population will grow to more than 11 billion before it stabilizes, more than double the current population. Unless the driving force of human population expansion is recognized and seriously addressed, no amount of effort to control the greenhouse effect is likely to prevent substantial global warming and climate disruption.

The Washington Post this morning quoted the Executive Director of the U.N. Population Fund, Nafis Sadik, as saying that world population is a crucial factor in environmental destruction and must be considered at the UNCED Earth Summit Conference. She complained that the Roman Catholic Church was involved in blocking inclusion of family planning in the major documents prepared for signing at the Conference in June. "Unless you really deal with population, you can forget about the environment or development."

About a week ago Prince Charles attacked the Vatican for blocking attempts to have population be treated as a separate issue at the conference, obviously stressing the importance of the impact of population growth on the environment.

> I don't, in all logic, see how any society can hope to improve its lot when population growth regularly exceeds economic growth. We will not slow the birth rate until we address poverty, and we will not protect the environment until we address the issues of population growth and poverty in the same breath. I do wish that these simple and incontestable truths could find greater prominence on the Rio agenda.

These two perceptive leaders make the point all too clearly. Worldwide, achieving sustainable development will require significant progress toward stable populations. In the United States, our support for a strong, ungagged, family-planning assistance program can serve as a model for other nations as they grapple with this dilemma.

I urge my colleagues to vote for this authorization of the family-planning amendments.

Mr. LEVINE of California. Madam Chairman, I rise in full support of H.R. 3090, the Family Planning Amendments Act and urge my colleagues to join me. Not only does this bill overturn the obnoxious gag rule written by the Bush administration, but it provides desperately needed funding for family planning programs to local community health care clinics.

The President's most recent interpretation of his gag rule is a desperate attempt by antichoice forces in the White House to put a more moderate face on the extreme position they advocate. They knew that the gag rule was so unpopular with the vast majority of the American public, even those that do not support a woman's right to choose the health care she wants, that they had to modify it to try and make it something other than what it is.

Madam Chairman, it is sad that the administration insists on constantly underestimating the intelligence of the American public. They know, just as every Member of Congress knows, that this latest version of someone's official interpretation of the gag rule is no less egregious than the original gag rule. It is an attempt to placate the public by using smoke and mirrors without changing the fundamental problem underneath. Neither the public nor the

majority of my colleagues in Congress will stand for it.

Allowing only physicians to discuss medical options in title X clinics, as this new gag rule does, is offensive in the most extreme sense. The administration is fully aware that many title X clinics employ no physicians on a full-time basis. Nor do patients receive counseling from physicians—they are counseled by nurse practitioners and licensed counselors. This is simply a smoke screen used by the President to appease the victims of the gag rule.

What these regulations have done is to force clinics to choose between receiving Federal funds and serving their clients. As a result, clinics across the country are announcing that they will no longer accept Federal funding. Instead, they are turning away poor women because they are not willing to succumb to the Orwellian notions of the supporters of the gag rule.

The administration and its allies are asking women to rely on their compassion and understanding in the implementation of these guidelines. It is hard to believe that an administration which has refused to show any compassion even to women have become pregnant as the result of such violent crimes as rape and incest can suddenly be trusted to do the right thing.

The fact is that Congress cannot have women's rights in this country up to the whims of the administration. This gag rule is abominable and repugnant. It must be repealed totally, not simply rewritten in a shallow attempt to limit its devastating impact. I commend my colleague Mr. WAXMAN and my colleague on the other side of the aisle, Mr. PORTER, for their insight and compassion and urge Members on both sides of the aisle to support this bill.

Mr. McMILLEN of Maryland. Madam Chairman, I rise in support of H.R. 3090, the family planning reauthorization bill. This legislation provides grants to clinics across the Nation to assist in providing family planning services to poor women. In addition, this legislation contains provisions to overturn the Bush administration's gag rule and requires that recipients of title X funds certify their compliance with State parental notification laws.

Madam Chairman, I support this legislation for a number of reasons. First, and foremost, I support this legislation because I believe that the Federal Government should be involved in family planning. The Federal Government should work to prevent unwanted pregnancies through education, counseling, and contraceptive distribution. Statutorily, title X clinics are prohibited from performing abortions. The only function they service is to provide women, who cannot otherwise afford it, with counseling and with access to contraceptives. These are the very services that will help reduce unwanted pregnancies and reduce the need for abortion in this country.

The second reason that I support this legislation is because I believe that if the Federal Government is going to be involved in family planning then it should provide quality services without a political agenda. This legislation will prevent the intervention of the Federal Government into the physician-patient relationship, and ensures that women who seek counseling services at a title X clinic will receive all pertinent health information. I have been opposed to the gag rule since its inception because it amounts to no less than federally supported censorship. The minimal changes that the administration has made to this regulation in no way change this fact. Despite the smoke and mirrors the administration has used to try and confuse this issue the reality is that under the administration's guidance for implementing the gag rule physicians at title X clinics are still prevented from counseling on or providing any information about abortion. A physician may not even answer a direct question on abortion if it is asked.

The final reason that I support this legislation is because it leaves to the States the ability to implement their own parental notification laws. The Maryland General Assembly has passed legislation on this issue and that law is on the ballot this November for a direct vote by the people. I cannot support any efforts which would preempt this action.

Madam Chairman, the last time this legislation was reauthorized was in 1984. It is time for this Congress to pass legislation to provide family planning services to those women who cannot afford to secure these services from private sources. In addition, it is well past time for this Congress to repeal the gag rule. The administration has made women's health a campaign issue. The women of this Nation deserve better. They deserve to have information on all legal and medical options concerning their health. They deserve access to quality health care and they deserve to have this Congress protect these rights by supporting H.R. 3090. Thank you.

Ms. DELAURO. Madam Chairman, today we have debated an issue of vital importance to the rights of women and all Americans.

There is no principle more fundamental to maintaining a democracy than free speech. This has been the foundation of our country, our representative government, and our very way of life for more than 200 years.

This right that has stood as the bedrock of our democracy has been placed in jeopardy by an administration more intent of advancing its political cause than protecting our constitutional rights.

The gag rule would limit speech and cripple the power of women to make informed choices about some of the deepest and most personal issues they face.

The administration's gag rule represents an invasion. It is an invasion of free speech that will prevent women from receiving medical advice on all their needs and options—including information about abortion. And it is an invasion of women's rights to equal treatment by our Government.

Accepting the gag rule says this country cares not a whit about free speech. Not a whit about doctor-patient confidentiality. It says we have little respect for the judgment of women. This regulation will create a two-tier system for medical advice. Americans who can afford private health care will get it. Those who can't won't.

We must overturn this rule and protect the rights of all American women to receive complete and accurate medical advice. Only then will we ensure a truly equal system of justice that allows all Americans to receive the same medical advice, and most of all, only then will we have reaffirmed the importance of our sacred right of speech in a free society.

Regrettably, I will miss the opportunity to vote to pass the reauthorization of the title X programs and overturn the gag rule. The sudden death of a dear friend's child has made it necessary for me to leave Washington to be with them in this time of tragedy.

But despite my absence, I want the record to reflect clearly my strong opposition to this gag rule and my strong support for passage of H.R. 3090. Had I been present, my vote would have been in favor of passage, as it has been on every occasion that this issue has come before the House. I am committed to the effort to overturn any potential veto of this vital legislation.

Mr. WAXMAN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5 minute rule.

The text of H.R. 3090 is as follows:

H.R. 3090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning Amendments Act of 1991".

SEC. 2. PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES.

(a) REQUIRING CERTAIN NONDIRECTIVE COUNSELING AND REFERRAL SERVICES.—Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary may not provide financial assistance under this section for the provision of family planning methods or services unless the applicant for the assistance agrees that the family planning project involved will offer to individuals information regarding pregnancy management options, and will provide the information upon request of the individuals.

"(B) For purposes of subparagraph (A), the term 'information regarding pregnancy management options' means nondirective counseling and referrals regarding—

"(i) prenatal care and delivery;

"(ii) infant care, foster care, and adoption; and

"(iii) termination of pregnancy.".

(b) COMPLIANCE WITH STATE LAWS ON PARENTAL NOTIFICATION AND CONSENT.—Section 1008 of the Public Health Service Act (42 U.S.C. 300a–6) is amended by inserting "(a)" before "None" and by adding at the end the following:

"(b)(1) No public or nonprofit private entity that performs abortions shall be eligible for financial assistance under section 1001 unless the entity has certified to the Secretary that the entity is in compliance with State law regarding parental notification of or consent for the performance of an abortion on a minor which is enforced in the State in which the entity is located.

"(2) Paragraph (1) shall not be construed to require or prohibit a State's adoption of parental notification or parental consent laws regarding the performance of an abortion on a minor, or to require or prohibit the enforcement by a State of such laws.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(d) of the Public Health Service

Act (42 U.S.C. 300(d)) is amended to read as follows:

"(d) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated $180,000,000 for fiscal year 1992, $189,000,000 for fiscal year 1993, $198,500,000 for fiscal year 1994, $208,500,000 for fiscal year 1995, and $219,000,000 for fiscal year 1996.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING GRANTS AND CONTRACTS.

Section 1003(b) of the Public Health Service Act (42 U.S.C. 300a-1(b)) is amended to read as follows:

"(b) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated $5,000,000 for fiscal year 1992, $5,250,000 for fiscal year 1993, $5,512,500 for fiscal year 1994, $5,788,125 for fiscal year 1995, and $6,077,530 for fiscal year 1996.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INFORMATIONAL AND EDUCATIONAL MATERIALS.

Section 1005(b) of the Public Health Service Act (42 U.S.C. 300a-3(b)) is amended to read as follows:

"(b) For the purpose of grants and contracts under subsection (a), there are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1996.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN. No amendments to the bill are in order except the amendments printed in House Report 102-506. Said amendments shall be considered in the order and manner specified, shall be considered as having been read, and shall not be subject to amendment. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

PREFERENTIAL MOTION OFFERED BY MRS. JOHNSON OF CONNECTICUT

Mrs. JOHNSON of Connecticut. Madam Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mrs. JOHNSON of Connecticut moves that the Committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken out.

□ 1500

Mrs. JOHNSON of Connecticut. Madam Chairman, I regret having to use this unusual parliamentary procedure to gain my right to be heard. But I do not think this is a partisan issue. I think it is very, very important that Republicans who differ on this matter be able to speak from Republican time and that the dialog within my party, as well as the dialog on this floor, be the dialog of honest difference that will enable this body, as policymaker, to adopt laws that serve our people well.

Madam Chairman, I support this bill and do not support my procedural motion; because I believe that we as leaders must face squarely the great importance of family planning.

Family planning is both a right and a responsibility. We are keenly aware of data linking poverty and teen pregnancy. You have a baby when you are a teenager, and you have a very high possibility of spending the rest of your life in poverty. We know that poverty, that teen pregnancy, that child abuse are also closely linked. Preventing inappropriate pregnancies is critical to our succeeding as a nation in reducing poverty amongst women and children, addressing the stunning rise in child abuse with all its tragic consequences, and creating healthy communities in our Nation.

Madam Chairman, title X agencies provide family planning services and other critical health services for women, and they provide these services primarily to poor women. Thirty percent of the women who go to family planning clinics have incomes under our Federal poverty levels; 30 percent have incomes barely above that level. We all know from the work we are doing on health care that people at those income levels have no insurance. They have no access to care; they have no alternatives. And those who have preceded me saying that to fail to pass this bill would discriminate against poor women are deeply, truly right.

Madam Chairman, the 34 million uninsured in America are poor. The great majority are working poor or the children of such good folks and they depend on title X agency services for very critical care.

In this bill, we are returning to the law and Reagan guidelines that governed from 1981 to 1988. We are only going to provide information that women request. We do not force this information on anyone.

If the information is requested about options, women received information on all three options, as in a free society they should. If the information is requested only about prenatal care, that is the information they get. There is nothing in this law or these regulations that has ever forced information on women that those women did not want.

But, Madam Chairman, I ask you to take seriously what we are doing here today, for another reason. I have argued, we have all discussed, the gag rule, title X regulations, over the years, but we discuss them today in a different context. Americans are angry, and they are angry because we in Congress say one thing and do another. The Congress pretends that the reality in the Beltway is the reality of the neighborhoods of America.

What is so really wrong about the gag rule is that it allows doctors to tell you everything, but there are no doctors. The gag rule rule says, "We don't mind if you get full information, you just have to get it from a doctor." But the reality is that in these clinics, there are no doctors. The gag rule is a cruel hoax that offers services it does not provide. Such policy is simply dishonest.

Then the rule says the doctor can refer you to a full-service provider. But the reality is that you are poor and have no insurance, so they refer you * * * and there is no one there, no doctor who will accept you as a patient.

Madam Chairman, this is a fantasy. What is wrong about the gag rule is that it is dishonest, though not intentionally. I have talked to those who wrote it. They have only the finest vision. They would like to see all women deal only with doctors. That is fine, but it is not the reality.

What is wrong with this policy is that it is deeply dishonest because it does not deal with the real world that people live in, and particularly that poor women in America live in.

So, I ask you to join with me in making the policy that will serve, join me in making policy that will help poor women plan families, take responsibility for their children.

Madam Chairman, honesty is a critical component of good policy. I urge support of the reauthorization of the Nations' family planning service law.

The CHAIRMAN. The time of the gentlewoman from Connecticut [Mrs. JOHNSON] has expired.

For what purpose does the gentleman from California [Mr. WAXMAN] rise?

Mr. WAXMAN. Madam Chairman, I rise in opposition to the motion.

Madam Chairman, I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. I thank the gentleman from California for yielding this time to me.

Madam Chairman, I rise in strong support of H.R. 3090. I think this is a vote today that will truly determine among the Members who profess to be concerned about unwanted pregnancies and unfortunate abortions, this is a vote that will truly determine those who really intend to take action to help make it possible for people by providing contraceptive counseling and supplies to help people who wish not to have unwanted pregnancies to avoid them.

So, for that reason, I am in strong support of this bill.

Madam Chairman, I rise in support of H.R. 3090, the Family Planning Amendments of 1991. This is the bill that will reauthorize funding for title X of the Public Health Service Act, the Federal program that provides family planning and other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America.

First, however, let me commend Chairman WAXMAN of the House Subcommittee on Health and the Environment, as well as his staff, for their efforts in developing and finalizing the reauthorization of this vital program.

They are all to be applauded for their perseverance in bringing this bill before us.

The United States is the only developed country where teen pregnancy has been increasing in recent years. But, the title X family planning program has not been authorized by Congress since 1985. At least in part because title X has not been reauthorized for 7 years, its funding has decreased by two-thirds between 1980 and 1990.

The title X program is sometimes controversial. But, this controversy is due to misconceptions about the program's role, in addition to a lack of information about its actual scope and the effect that it has on the lives of millions of Americans.

For example, the use of title X funds for abortion has always been prohibited. And there is nothing in the bill before us that changes this established ban on the use of these funds for abortion.

What a lot of us also do not realize is that title X does more than assist women with family planning by providing contraceptive counseling and supplies. It also provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, diabetes, sexually transmitted diseases and HIV. Without title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

Title X supports public health departments; Indian nations; statewide, regional and local family planning councils; hospitals; university medical centers; community action organizations; neighborhood health centers; nursing services; and, yes, Planned Parenthood affiliates.

California has received title X funds since the Public Health Services Act was passed in 1970. Last year, California clinics used these funds to provide services to approximately 450,000 clients; 26 percent of these clients are under 20 years of age, and 58 percent are aged 20 to 29. This year, California family planning clinics will receive approximately $11 million in title X funds.

When we support contraceptive services—both care and supplies—we thwart unwanted pregnancies and, ultimately, the need for abortion. For example, according to the California Family Planning Council, an estimated 138,000 unintended pregnancies are averted in California every year as a result of publicly funded contraception. Each client seen at a title X funded clinic costs the Federal Government approximately $35 annually. And, every one of these dollars spent on family planning programs in California saves $11.20 in public costs associated with unintended pregnancy—such as Medi-Cal delivery and continuing maternity and infant care, Medi-Cal abortions, aid to families with dependent children, food stamps and other social service costs. But the annual costs of unintended pregnancies for clients eligible for Medi-Cal coverage for maternity and infant care, AFDC, WIC and food stamps average $9,383 for those women who carry their pregnancies to term.

H.R. 3090 also reinforces the status quo when it comes to parental notification. It requires that clinics certify their compliance with State laws regarding parental notification or consent for the performance of an abortion on a minor, even though such abortions would only be performed with non-Federal funds. The bill therefore does not change any State laws regarding parental notification.

Yet, there are some of us who—in spite of the fact that we support providing accessible, high quality, affordable health care to women who could not otherwise afford to have it—will oppose this bill because it overturns the Bush administration's so-called gag rule. If H.R. 3090 is not enacted, the gag rule will go into effect early next month.

The gag rule prevents health care providers in federally supported family planning clinics from simply informing a pregnancy woman of all her options. Even if a woman has been raped, is a victim of incest, or her health is seriously threatened by her pregnancy, her health care provider would not be able to tell her the truth about her choices.

This restraint is even more alarming because it goes beyond interference with a woman's reproductive health care. This burdensome regulation is a direct assault on our first amendment right to freedom of speech. The gag rule is unprecedented Government interference with the confidential doctor-patient relationship, and has been denounced by every major medical group. The gag rule dictates to our Nation's medical community what they can and cannot talk about with their own patients. The gag rule blocks women knowing about their legal medical options.

But H.R. 3090 clarifies the authority of family planning clinics to provide information and counseling regarding family planning. It requires them to provide a patient with complete, nondirective information about her pregnancy, if she asks for it.

H.R. 3090 has the support of all major medical groups, including the American Medical Association, the American Nurses Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association. How can we here in this Congress not support and defend a woman's right to complete, accurate information about all of her health care options?

If we truly care about the health and welfare of our people, we have no choice but to support this reauthorization of America's family planning program. Mr. Speaker, I urge my colleagues on both sides of the aisle to support final passage of this important legislation.

Mr. WAXMAN. Madam Chairman, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Madam Chairman, I want to say that the remarks of the gentlewoman from Connecticut [Mrs. JOHNSON] are ones with which I agree.

Madam Chairman, I rise in strong support of this legislation. As a member of the Committee on Appropriations and as a strong supporter of the family planning programs, I have eagerly anticipated this opportunity to validate the strength and the importance of this program through the reauthorization process.

Madam Chairman, the title X family planning program annually provides services to nearly 4 million poor women who need access to reproductive health care services and information about family planning.

The gentleman from Wisconsin [Mr. MOODY], a little while earlier said that more advice and counsel on family planning issues would indeed reduce, not increase, the incidence of abortion, for which I think we are all advocates.

Let me say again, Madam Chairman, that these people who would be served are women and they are poor, two factors that I believe contribute mightily to the fact that their unfettered right to information as independent decisionmakers and their access to health care is periodically threatened by regulations and legislative proposals like the gag rule.

The gag rule is not a problem which has been solved, as the gentlewoman from Connecticut so pointedly made clear. In the real world it is estimated that the title X program prevents 1.2 million unintended pregnancies in the United States alone which would otherwise result in a half million additional abortions. That is the real world, the genuinely positive impact of this nondirective program for family planning.

This is a critical piece of legislation. We must pass it, and I rise in very strong support of H.R. 3090.

Madam Chairman, let me also congratulate the committee, and the subcommittee chairman, Mr. WAXMAN, for bringing this bill to the floor.

In the real world—there are estimates that project approximately $4.40 in savings in short term medical care, welfare and other social services expenditures for every dollar spent on family planning services.

In the real world, this program is critically important to poor women because it is their primary entry point to our health care system. Almost 90 percent of all poor women live in a county where there is a title X clinic. The title X program is the only available source of these services for 80 percent of the women served in these clinics.

This program has functioned effectively for over 20 years, providing many of our citizens their primary point of access for receiving medical care.

Many clinics that receive title X funds routinely provide other basic clinical care, including screening for breast and cervical cancer, diabetes, anemia, hypertension, sexually transmitted diseases, and counseling and testing for AIDS and HIV.

One statistic, in particular, illustrates how critically important it is that we protect the ability of the health care professionals in these family planning clinics to provide the best and most complete health care information—as many as 15 percent or 750,000 of these participants in the fam-

ily planning programs have health conditions which could be life threatening should pregnancy occur.

Federally mandated censorship and manipulation of health care information is wrong. The gag rule is wrong. Despite the policy guidance issued by the White House, the fact is that health care professionals are prohibited from employing their best judgement in counseling their patients as they determine may be necessary.

Let me close Madam Chairman with one additional fact and an important principle:

First, Federal funds are not used to provide abortion services.

Second, health care professionals and their patients have a right to the exchange of all available medical information pertaining to health care options without the expectation of Government interference.

I strongly support the H.R. 3090, and I urge each of my colleagues to do so, as well.

Mr. WAXMAN. Madam Chairman, I yield to the gentlewoman from Michigan [Mrs. COLLINS].

Mrs. COLLINS of Michigan, Madam Chairman, I rise in support of the long awaited reauthorization of title X and its amendments. The title X program has not been authorized for 7 years, and its beneficiaries, the federally assisted family planning clinics, have suffered as a result. In addition these clinics face a needless restriction, commonly called the gag rule.

These clinics play a vital role in the provision of beneficial health services to poor and needy families. Many women seek their primary health care from the gynecological service providers at title X clinics. It is time to provide this important service with the funding it deserves.

In addition, these clinics are to be restricted in the performance of their duties if there is full imposition of the administration's gag rule.

This rule increases health care provider's confusion of the law's stance on postconception counseling. The recent DHHS' interpretive guidelines only served to complicate the issue. The gag rule presents an impediment to the effective dispersal of health services. H.R. 3090 must stand.

□ 1510

The CHAIRMAN. All time has expired.

Mrs. JOHNSON of Connecticut. Madam Chairman, I believe I still have a little time remaining.

The CHAIRMAN. All time has expired.

Mrs. JOHNSON of Connecticut. I thought that I had time. Did I use my entire 5 minutes?

The CHAIRMAN. The time is under the 5-minute rule and may not be reserved.

Mrs. JOHNSON of Connecticut. My misunderstanding, Madam Chairman.

The CHAIRMAN. Does the gentlewoman from Connecticut [Mrs. JOHNSTON] have a request?

Mrs. JOHNSON of Connecticut. Madam Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. HYDE

Mr. HYDE. Madam Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. HYDE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. SMITH of New Jersey. Madam Chairman, I rise in opposition to the motion.

Mr. WAXMAN. Madam Chairman, as the manager of the bill, I was on my feet.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes. He controls the time.

Mr. HYDE. Madam Chairman, I just want to straighten out what I think is some disinformation, certainly not intentional, but I think the doctor-patient relationship, we ought to put that to rest, and I leave it to anybody who cares to listen while I read from the regulations, and my colleagues can decide whether the doctor-patient relationship is unimpaired.

The regulations say, and I quote:

Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

So, Madam Chairman, I submit that the doctor-patient relationship is unimpaired.

Now, when we get to the real nub of this controversy, we get to counsellors, we get to receptionists, we get to volunteers, we get to other people who are operating within this family planning clinic who are not physicians. Now we have heard there are not a lot of physicians around and so it is the counselors who give this advice about life and death, about one of the most emotional and important decisions a woman is going to make, and we are told it is a medical decision and, therefore, it is medical advice from counsellors, from whoever else is in the office.

Now I have here a report prepared by the Planned Parenthood Federation of America, prepared by Sandra Grymes, G-r-y-m-e-s, director of long-range planning, and it is a preliminary report on the counselling function in affiliates of the Planned Parenthood Federation of America. May I just read a few little trenchant sentences?

The fact that many affiliates rely to a large extent on unpaid part-time counsellors is documented."

Data from nearly 500 individual counsellor profiles gives a clear picture of a counselling staff which is largely young and inexperienced, much of it working unpaid, and probably using PPFA employment for training, experience and preparation for other jobs in the future. Counselors formal training is relatively modest.

Now these are the people my colleagues want advising a woman who had a pregnancy where she can get her abortion. They are all largely proabortion. They are largely in favor of sending this woman on to the nearest abortion clinic.

So, I think we ought to make it clear. In the guise of passing a family planning bill, which we are for, we are going to promote abortion by letting counsellors and volunteers, young and largely untrained volunteers, to provide disinformation to a pregnant woman where she can go get her unborn child killed. Now I do not want to do that, and I know there are millions of Americans who do not want their tax money to go for that purpose.

The distinguished and learned gentleman from New York who is no longer here talked about choice. He said, "I'm pro-life, but I'm for choice." Well, we are all for choice. If someone is an American, they want options, they want pluralism, they want people to vote for and against.

But what choice? Chocolate or vanilla? What choice? Does anyone have the right to choose to push me in front of a train? Does anyone have the right to choose to go beat up on their little infant child? What choice? The use of the word "choice" just blurs coherence on this subject.

Now one is either for abortion or they are against it, and do not say, "I'm pro-life, but I'm for choice." That is an oxymoron.

Mr. HUNTER. Madam Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. HUNTER. Madam Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding, and let me just go a little further on the point that he has made.

I used to practice law in the barrios with the poorest of people, many of whom would be recipients of this advice, and, when they come into an office, they are absolutely intimidated by the professionalism. They think of it as an extension of the Government, and, if they are told, "Yes, Mrs. Gonzalez, I think maybe you should settle this case," they will say immediately, "Yes, yes, we will settle the case," and we say, "Wait a minute. I want you to look at all the choices. Maybe we should take this case to trial," and then she will say, "Yes, yes, we will take it to trial."

Madam Chairman, they are ready to accept anything, and the idea of having untrained people in that position to give advice that will be taken because of a function of intimidation by the poor people in the barrios throughout

this country is an absolute disservice being done by this Congress. We are establishing a rule of dissemination, and, believe me, when these mothers, many of them very poor and very much intimidated by professional people, comes into these clinics, they are not going to see the type of a debate that we have in this House forum. They are going to see a one-sided editorial on the side of abortion.

Madam Chairman, it is going to be wrong.

Mr. WAXMAN. Madam Chairman, I rise in opposition to the preferential motion offered by the gentleman from Illinois [Mr. HYDE].

POINT OF ORDER

Mr. HYDE. Madam Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HYDE. Madam Chairman, as I recall, the Chair recognized the gentleman from New Jersey [Mr. SMITH] before she recognized the learned gentleman from California [Mr. WAXMAN], and I just wondered what happened.

The CHAIRMAN. The Chair has yet to recognize anyone in opposition. The gentleman from California [Mr. WAXMAN] is managing the bill for the committee and is rising in opposition to the motion.

Mr. SMITH of New Jersey. Madam Chairman, I rose in opposition to the motion as well.

Mr. WAXMAN. Madam Chairman, as the manager of the bill, I think I have the right to be recognized.

The CHAIRMAN. Without question, the Chair asked the gentleman from New Jersey [Mr. SMITH] for what purpose he rose, but did not recognize him in opposition. Recognition in opposition to the preferential motion is only conferred after debate in favor of the motion.

Mr. HYDE. No matter what he said, the Chair did not recognize him.

The CHAIRMAN. The point of order, is something the Chair wants to deal with, and the chairman of the committee, the gentleman from California [Mr. WAXMAN], will be recognized in opposition. The gentleman from Illionis [Mr. HYDE] was given his full time to present his case. The gentleman from California [Mr. WAXMAN] is now recognized in opposition.

Mr. HYDE. If that is the ruling of the Chair, I accede with some dismay.

The CHAIRMAN. It is the recognition of the Chair.

The gentleman from California [Mr. WAXMAN] will be recognized for 5 minutes.

Mr. WAXMAN. Madam Chairman, in rising in opposition to the preferential motion of the gentleman from Illinois [Mr. HYDE], I take this time to discuss this matter and wonder why two people on the same side of the issue want to keep talking and not hear anybody else. Perhaps because they do not want to get more information. But let me give my colleagues some information.

The American Medical Association, which speaks for doctors, tells us they do not think this regulation has been clarified at all. They think their professional rights have been curtailed by this gag rule.

But let me also say to my colleagues that most women who go to clinics, who are low-income women, do not get to see doctors. They see nurse practitioners and other nurses. Those nurses may advise that woman and refer her to a cancer specialist, someone who deals with sexually transmitted diseases, or any other medical problem. What that gag rule say is that nurse suddenly is not capable of referring this woman to some other place where she may seek abortion services.

I think that woman or man is fully competent, who is licensed as a health professional, as a nurse, nurse practitioner, or counselor.

Mr. WYDEN. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. Madam Chairman, I yield to the gentleman from Oregon to go further on this point. I think it is an important point because I think this gag rule is nothing but a gag rule. It is a gag on everybody involved, and it is a way to keep women from getting truthful information, not directive, but information upon which they can then make a decision.

□ 1520

Mr. WYDEN. Madam Chairman, I associate myself with the remarks of the gentleman from California [Mr. WAXMAN], but I think my colleagues ought to hear exactly what the American Medical Association has said about the gag rule.

In an April 22 letter, talking about the regulations, they state:

> They expressly limit the substantive scope of counseling that may be provided in the title X clinic and artificially constrict the physician/patient dialogue in ways that are inconsistent with sound medical care.

The AMA is explicitly on record as saying that these guidelines would artificially constrict the physician-patient relationship.

What is going to happen in these clinics if they tell the truth is these clinics will end up restricting antiabortion services, as the gentlewoman from Connecticut [Mrs. JOHNSON] has said so well.

Mr. WAXMAN. Madam Chairman, at this time I wish to yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, earlier, the gentleman from California [Mr. WAXMAN] was again—and this happens so often in this debate—comparing a pregnancy and the taking of the life of that unborn child to a whole myriad of diseases.

That is precisely our point. Abortion is not a method of family planning. It certainly does not cure any known disease.

Pregnancy is not a disease. It is fundamentally different than any other condition that a woman in her lifetime will experience.

Mr. WAXMAN. Madam Chairman, reclaiming my time, the gentleman from New Jersey [Mr. SMITH] is correct. That is why the law states specifically that no title X grantee may perform abortion services. Family planning and contraception are not abortion services.

But the issue comes up when the woman wants to know, "If you do not provide abortion services and I want to have those services, where can I go?" The gag rule would prevent a doctor, a nurse practitioner, a nurse, or a counselor from even telling her where she could go to pay for the abortion with her own funds.

Mrs. JOHNSON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Chairman, I think it is important to be clear about what services we are talking about. Title X clinics provide family planning services, contraceptive services, pap smears, cervical cancer checks, and free cancer testing and screening. When you find out you are pregnant through one of their services what you get is rather simple.

We are not talking about medical advice. We are talking about in my small towns pamphlets about the adoption agencies in town, pamphlets about prenatal care, what physicians will accept Medicaid or people without insurance or what clinics are associated with hospitals nearby where you would get prenatal care.

Then there is a list of providers who will provide termination, if that is what you want. But all these people are getting from these counselors are lists of providers in the option area they ask about.

Mr. WAXMAN. Madam Chairman, Reclaiming my time, I yield further to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, the point I am making is once a woman has been confirmed pregnant and is in that title X clinic, she is then out of that program and referred for prenatal care. In other words, there is a higher propensity and a higher possibility then that both mother and baby will receive maternal/prenatal care so that both patients will be as healthy as is humanly possible.

It is contradictory to say on one hand we provide prenatal care, and on the other hand we say just the oppo-

site, chemical poisonings and literal dismemberment are equally viable options that can be promoted.

This is a value judgment by this House that yes, that child has value and worth, and we are going to put the full weight of Federal funding toward making sure that when there is a referral and counseling, it is going to be for prenatal care. The woman may decide to have the abortion at the end of the day, but we are trying to put the full weight on the Government behind prenatal care.

Mr. HYDE. Madam Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. HUNTER

Mr. HUNTER. Madam Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. HUNTER moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. WAXMAN. Madam Chairman, if I need to, I will ask at this time for the opportunity to oppose this preferential motion.

The CHAIRMAN. The Chair will wait for that at the appropriate time.

The gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Madam Chairman, I am glad we have sharpened the debate on this issue, because I think it is important for the entire House and Members on both sides to understand what we are talking about.

Madam Chairman, I wanted to expand just a little bit on the effect we are going to have on people's lives, the lives of unborn children, and the lives of mothers, in communities throughout America if we pass H.R. 3090.

I want to relate to Members as a Member of this House and as a colleague my own experience with respect to advising people in the barrios of America from which I practiced law in San Diego, CA, and the amount of influence, in fact in some cases undue influence, we have over people's lives and the opportunity for abuse that will arise in my estimation from 3090.

Madam Chairman, a lot of people came into my law office in my early days in practice with no money and with a request for legal help. Many of those people were unsophisticated. In fact, I guess that is why they came to me. They thought I was not too bad a trial lawyer. I handled a lot of cases.

Madam Chairman, I noticed when people came in who had not been in the community for a long time or who did not have any money or who were not sophisticated, in some cases they did not speak English very well, they gave great credence to whatever the professional, that was me as an attorney in my storefront law office, told them.

Madam Chairman, they were willing to accept almost any statement or offer or alternative I would give them as absolute gospel. That means if I suggested to Mrs. Gonzalez that maybe she should take her case to trial, she would say, "Yes, yes, let us go to trial." If I suggested to Mrs. Gonzalez maybe she should try to settle the case, she would say, "Yes, yes, let us settle the case."

I want to suggest that you are going to have a parallel situation with respect to counseling for abortion. You are not going to be able to clear the office of the Planned Parenthood institutions throughout this country of people who people who believe very strongly in the right to an abortion, and who therefore, whether they are receptionists, volunteers, or helpers, are going to editorialize in favor of abortion to unsophisticated people who come into that office.

Madam Chairman, it is entirely wrong for us as a Congress to place in those little waiting rooms a forum in which the life or death of someone is going to be decided.

A lot of Members on the other side have tried to parallel this and equate this with a doctor giving his advice on cancer, diabetes, AIDS, or something else. There is a difference. In no other medical operation known to man is the life of another human being decided.

Mrs. JOHNSON of Connecticut. Madam Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Madam Chairman, I think there is a difference between a woman coming into a lawyer's office about something that involves statutory law about which she knows nothing and her coming into a situation where she has found she is pregnant. She knows about that.

If she has children, which she often does, she knows about the emotional and economic responsibilities of children.

It is very important I think in a free society that women have access to the knowledge that they need to make decisions about themselves and their families. The Government does not know whether she became pregnant because she was raped or abused. You see, without that knowledge, you should not be steering her to prenatal care. The gentleman before you recognized that you are steering. I do not want Government to steer either way.

Mr. HUNTER. Madam Chairman, reclaiming my time, I have listened to the gentlewoman from Connecticut [Mrs. JOHNSON], whom I respect very much. I have seen it time and again. For people who are coming in in a situation of extreme poverty or being unable to speak the language well and having extreme regard for the people who sit behind the desk in that office, even if it is a receptionist or counselor, you cannot have that situation without having undue pressure, without having intimidation, whether it is intended or not. You are going to have an editorializing, if you will, a pressure, for abortion.

If you have the finest training courses in the world to try to undo that, you are not going to be able to do that. To have that forum deciding the life of another person is absolutely wrong.

So in an ideal world everything would work out as the gentlewoman from Connecticut [Mrs. JOHNSON] has stated. These little Planned Parenthood centers in the barrios of this Nation are not ideal worlds, and it is a tremendous disservice to us, both to the mother and to the unborn child, to put them in that position where they are going to receive advice from people who are not disciplined, who are not doctors, and who, in fact, are there partly because they believe strongly in their souls that abortion is absolutely the right thing to do in many cases.

□ 1530

It is sad that that is a reality. Unfortunately that is the reality, and we need to provide a professional forum and need to have a situation where people have also moral guidance, where they have guidance and perhaps from the church, where they have two sides.

This is one side, and that pressure is going to be unbearable for many families. And they are going to accede to what they think this quasi-governmental institution wants them to do.

Mr. WAXMAN. Madam Chairman, I rise in opposition to the motion, and I would like us to move on with the amendments before us.

Mr. HUNTER. Madam Chairman, I ask unanimous consent that my motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 1, printed in House Report 102–506.

AMENDMENTS EN BLOC OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. WAXMAN: Page 1, line 5, strike "1991" and insert "1992".

Page 3, line 23, strike '1996' and insert '1997'.

Page 3, line 22, strike '1995' and insert '1996'.

Page 3, line 21, strike '1994' and insert '1995'.
Page 3, line 21, strike '1993' and insert '1994'.
Page 3, line 20, strike '1992' and insert '1993'.
Page 4, line 9, strike '1996' and insert '1997'.
Page 4, line 9, strike '1995' and insert '1996'.
Page 4, line 8, strike '1994' and insert '1995'.
Page 4, line 8, strike '1993' and insert '1994'.
Page 4, line 7, strike '1992' and insert '1993'.
Page 4, line 18, strike "1996" and insert "1997".
Page 4, line 17, strike "1993" and insert "1994".
Page 4, line 16, strike "1992" and insert "1993".

The CHAIRMAN. Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, this amendment simply updates the authorization years of the bill, as it was passed by the committee. The bill itself authorizes appropriations for fiscal years 1992 to 1996. Clearly, since the time of the committee action, fiscal year 1992 has come and gone.

This amendment would update the bill to authorize appropriations for fiscal years 1993 to 1997. It makes no change in the amounts authorized, and I know of no opposition to the amendment and would urge its adoption.

Mr. BLILEY. Madam Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Virginia.

Mr. BLILEY. Madam Chairman, I thank the gentleman for yielding to me.

We have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from California [Mr. WAXMAN].

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2, printed in House Report 102–506.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REGULA: Page 2, strike lines 15 through 17 and insert the following: "will provide to individuals information regarding pregnancy management options upon request of the individuals.".

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. REGULA] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Madam Chairman, I am offering an amendment today to address the issue of forced speech.

My amendment clarifies that title X clinics will provide information about a woman's pregnancy options upon her request. The language states that clinics wishing to receive Federal moneys, "will provide to individuals information regarding pregnancy management options upon request of the individuals."

This is a simple change offered because some feel that the title X language as it now reads would "require" speech. Forced speech is not the intent of the title X program. My amendment would make that clear.

I have been asked what women must say to indicate that they want information. I am not requiring that they say any magic words—that is the point after all—speech should not be required.

We should provide all of the information the woman wants, but only what she wants.

This amendment will release the nurse or doctor from the legal obligation to tell every woman about abortion when the woman may be seriously opposed to abortion and highly distressed by the information.

This amendment fits nicely with Representative DURBIN's amendment releasing title X practitioners who are personally opposed to abortion from talking about it, although they would of course be required by law to refer the woman to someone who would. The "conscience clause" and my amendment release people from forced conversations.

These are reasonable amendments which make sense.

In my opinion, we should, we should not gag medical information, neither should we force information upon a woman when it is neither requested nor wanted.

I fully support title X—providing medical screening and contraceptive information are essential services. For many women this is the only medical care they will seek or receive.

This is a contraceptive program, and a medical screening program—not an abortion program. Title X money cannot be used to fund abortion services—the charter specifically prohibits the use of Federal funds for this use.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. WAXMAN. Madam Chairman, I thank the gentleman for yielding to me.

We have reviewed the gentleman's amendment. We think it is a good clarification and would certainly support it.

Mr. SMITH of New Jersey. Madam Chairman, I am opposed to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. SMITH] for 10 minutes.

Mr. SMITH of New Jersey. Madam Chairman, I do want to make one or two points about this amendment just to underscore what I think is its flaw.

I would like to ask the distinguished author if his amendment were enacted into law, would a title X recipient which, let us say, provides extensive family-planning services to an area but refused to counsel and refer for abortion as a method of family planning, would such a provider lose Federal funding if one or more pregnant women came forward, sought abortion counseling and requested a referral to an abortion clinic.

Would that pro-life title X provider then lose their money?

Mr. REGULA. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Ohio.

Mr. REGULA. Madam Chairman, I am not sure that would happen. What we are simply trying to do in this amendment is ensure that the counselor is not mandated to mention abortion.

I think the present situation is a reverse of freedom of speech. It is a freedom not to make that statement, unless the client requests it.

The Durbin amendment or the conscience amendment, I think, will address the problem that the gentleman is alluding to.

Mr. SMITH of New Jersey. Madam Chairman, this looks, standing on its own, and even with the Durbin amendment, which requires a title X recipient to refer, which makes that person, if he or she is a very staunch antiabortionist or pro-lifer or, if that entire title X recipient feels likewise, they then still, under both of those amendments, if adopted, which I believe they will be, as I said, we will not ask for a vote on it, but would still require that person to say, "Yes, this is where you can get the abortion and, yes, we will provide counseling to you," if she asks for it. What I am suggesting is that then forces, as a condition of receipt of those funds, the title X project and the personnel therein to discuss and refer for abortion. So it is like they are being required to engage in abortion counseling.

And if the Durbin amendment is passed, which again, I believe it will be, they are then also required, maybe not to counsel, but to refer to some proabortionist counselor who will counsel. So it makes me a part or makes that title X recipient, who is pro-life, and there are many title X people who believe in family planning but categorically reject abortion, who then will have to say, "I can't do it here in this clinic, but this is where you go to get the abortion."

Mr. REGULA. Madam Chairman, if the gentleman will continue to yield, we are trying to avoid that problem exactly. That is the intent of this lan-

guage, to prevent that happening. Because the gentleman is right, there are people who are counselors who are pro-life. And we do not want to mandate informing a woman about abortion unless the client requests it.

I think it actually accomplishes what the gentleman is saying.

Certainly, I would hope, and I have suggested to those who I deal with that we have a crisis pregnancy center operated by the pro-life group. It does a great job, and women ought to be referred to those kinds of agencies, if that is their desire.

But the function of the title X program is to serve the individual, not to serve the counselor, not to serve the outsiders, but to serve the individual.

Therefore, we are saying, respond to the individual's concerns.

Mr. SMITH of New Jersey. Madam Chairman, the counselor or if a group of counselors, the entirety of that title X project will not be party to facilitating the abortion, either by referral and/or by counseling, they then will lose every dime from the Federal Government under the specific language of the amendment, especially if we refer back to lines 11 through 14, which immediately precede the gentleman's own amendment.

So effectively this would gut every pro-life title X recipient who says, "We just want to do family planning. We don't want to do abortion," because they are still required to counsel and refer for abortion as a condition of receipt of those funds according to the plain language of the amendment.

Mr. REGULA. Madam Chairman, if the gentleman will continue to yield, I am trying to make it easier for them by saying they are not required. They only respond to a request.

There is some question that they might be required under the existing language to counsel in that direction, which we do not want to happen and I do not want to happen.

Therefore, to clarify it, and that is what this does, we say it would only be a mention of that if the client herself would make the request.

I would think the gentleman would support that.

Mr. SMITH of New Jersey. Madam Chairman, I think the gentleman would have to agree, in all candor and frankness, that if a woman walks into a pro-life, pro-family planning title X recipient and says, "I want a referral for an abortion," and they say, conscientiously, "We cannot do it," they do not get a dime from the Government.

Mr. REGULA. Madam Chairman, I am not sure that would happen.

Mr. SMITH of New Jersey. Madam Chairman, the plain language of the amendment would say that, juxtaposed with the amendment immediately preceding it.

Mr. REGULA. Madam Chairman, I think this would help the bill accomplish the goals. I know the gentleman does not support the bill, but I think it is a better bill from the gentleman's standpoint with this language than without it. That is the reason that we had support for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. REGULA].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in House Report 102-506.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 2, after line 23, add the following subparagraph:

"(C) With respect to compliance with the agreement made under subparagraph (A), the family planning project involved, and any provider of services in the project, may not be required to provide information regarding a pregnancy management option if—

"(i) the project or provider (as the case may be) objects to doing so on grounds of religious beliefs or moral convictions; and

"(ii) the project or provider refers the individual seeking services to another provider in the project, or to another project in the geographic area involved, as the case may be, that will provide such information.".

Page 2, line 23, strike the ending quotation marks and the final period.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. DURBIN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Chairman, we are now engaged in a debate on the issue of abortion. It is a debate which has gone on for the 10 years that I have served in Congress and will probably go on for many years to come.

A few days ago the streets of Buffalo were divided. On one side Operation Rescue, those fervently opposed to abortion; on the other side, the pro-choice forces, believing that the decision should be made between a doctor and his patient.

Many of the Members in this Chamber who have spoken on both sides of the issue would find it very easy to decide on which side of the street they would be most comfortable. There are many of us, though, who address this issue with some uncertainty and who strive with each bill and each amendment to find a sensible and responsible course to follow.

□ 1540

I am envious of those who see this issue in terms of black and white, who find it all right or all wrong when it comes to abortion. I have tried to find a middle course for my own conscience and my own legislative record.

This amendment which I am offering today is an attempt to strike a balance, a balance between the right of a patient to be fully informed of her legal medical choices when she visits a federally funded family planning clinic, and also the right of an individual working in that clinic who, because of moral or religious convictions, cannot refer for abortion to be protected under the law.

What I am proposing today is not new. In 1973 the Church amendment to the Public Service Act established a conscience clause regarding the performance of abortion in federally funded facilities. The referral requirement under title X gave to those institutions which, because of moral or religious convictions, could not recommend some forms of contraception, the right to refer patients to another title X setting where they could be so informed.

As a consequence, many clinics and many Catholic hospitals which could not through their staff in good conscience recommend certain forms of contraception followed the conscience clause and referred the patients to another clinic that would.

We have just adopted an amendment by the gentleman from Ohio [Mr. REGULA] which I think makes it clear that in the first instance a patient must request some form of abortion counseling. That is when this amendment would come into effect. If the person to whom the request is made cannot in good moral or religious conscience refer the person for abortion counseling or treatment, they have the option to say, "You need to go to another clinic."

Similarly, if a clinic is in existence which does not in conscience recognize the right to abortion, that clinic can still stay in the business under title X, and if patient should request abortion counseling, that clinic can refer to another that gives the full range of options available under the law.

I am troubled by the fact that many of the organizations which identify themselves as against abortion are both against this bill and against my amendment. In the first instance, many of us believe that in order to diminish the number of abortions we must make family planning options available to woman of America short of abortion. Title X is a successful program. Over 1 million women each year avoid unintended pregnancies because of title X. Those so-called antiabortion forces that want to close down the title X program are in effect inviting at least a half a million more abortions a year. That in my mind is totally counterproductive to their stated philosophy.

Second, many people on the floor argue, and I accept their arguments, that in good conscience they cannot support abortion or the funding of it. This amendment specifically addresses not only their feelings but the feelings of men and women who work in these

clinics that are exactly the same. We are saying to them. "We will not force you, we will not mandate, we will instead say to you you have the same option of the conscience clause available to you as has been under the law for almost 20 years."

This particular amendment has been supported by many professional groups, including the American Medical Women's Association, the American Nurses Association, and the American College of Physicians. I quote from the ethics manual of the latter group:

When a physician objects to a treatment desired by the patient, the physician has a duty to assure that the patient is provided the option of receiving competent medical advice and care from a qualified colleague.

The Durbin conscience amendment would do just that.

Madam Chairman, I reserve the balance of my time.

Mr. HYDE. Madam Chairman, I rise in opposition to the Durbin amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] will be recognized for 10 minutes.

Mr. HYDE. Madam Chairman, I yield myself such time as I may consume.

First of all, Madam Chairman, I say to the learned gentleman from central Illinois, who has become one of the legendary Planned Parenthood superstars in latter days, for which I stand in awe, nobody that I have heard today or in this Chamber any day has stood up to oppose title X. If we, the so-called pro-life forces, were opposed to title X, we would go after the funding. We have not. I personally am for title X. I think we need a family planning program, so the gentleman indeed sets up a straw man and then knocks him down when he talks about opposition to title X.

Possibly it was a tactic to make pro-life forces, or as the distinguished gentleman from Oregon, and not Mr. WYDEN, the other distinguished gentleman from Oregon, and there are two, at least, refers to us as the pro-life mob or the anti-choice mob, that is the new epithet, we are not against title X, so let us not use that straw man.

The trouble with the Durbin amendment is, it is all windup and no pitch. There is nothing there. There is no there there. The gentleman's amendment requires that a conscientious objector to abortion find someone else to promote the abortion. I do not quite see how that assuages the moral concern of somebody who says, "I cannot steer you to an abortion clinic, but go talk to Tom. He will." That does not do anything at all. That is called forced complicity. That is almost Pontius Pilate-like. Washing one's hands of it does not absolve one of moral complicity, so what the gentleman is doing does not help the situation at all.

I heard the gentleman talk about Catholic hospitals. I do not stand here as a spokesman for Catholic hospitals or anything, or anybody, but I did get a statement from Cardinal Joseph Bernardin, who really opposes your amendment. He is speaking on behalf of the Catholic bishops. So lest anybody be confused that Catholic hospitals are advantaged by the Durbin amendment, they are not.

Lastly, one of the serious problems with the Durbin amendment is that conscientiously opposed grantees in the title X program in rural areas would be very hard-hit by the Durbin requirement because they are certainly going to have difficulty in finding other individuals who are willing to be a party to abortion within their geographic area.

Lastly, I must compliment the National Abortion Rights Action League and the Religious Coalition for Abortion Rights. They are two organizations that have the courage to say they are for abortion, they are not for choice or reproductive rights, they are for abortion.

It is like thinking of the National Rifle Association as if they were for the right to choose to own a rifle. No, they are for owing a rifle. So I hope someday that we will have the intellectual honesty to say, "I am for abortions" or "I want abortions" or "I want them to be available" because in the words of the immortal Margaret Sanger, "Perhaps there are too many unsuitable people." That was her premise. Reading her literature is a real revelation, by the way, the predecessory organization to Planned Parenthood.

I guess if the Members think getting rid of unborn children or unwanted pregnancies is a good, then I suppose Mr. Durbin's amendment is benign. It does not do anything. But lest it masquerade as something that helps the conscience of somebody, I would suggest if I steer somebody to somebody who will steer them to an abortion mill, that would not assuage my moral scruples.

Madam Chairman, I reserve the balance of my time.

Mr. DURBIN. Madam Chairman, I yield myself such time as I may consume for the purpose of a colloquy with the gentleman from California [Mr. WAXMAN] and I yield to him for that purpose.

Mr. WAXMAN. Madam Chairman, this amendment is a restatement of what has long been known as the conscience clause. It makes clear that if a doctor, a nurse, or even an entire clinic has reservations about performing full pregnancy counseling, they may decline to do so and refer the patient elsewhere.

I'd like to engage the gentleman from Illinois [Mr. DURBIN] in a colloquy on the amendment.

As I understand it, under the family planning program, programs may provide some services and refer elsewhere for others. For instance, some programs that may be run by institutions with reservations about contraception may provide only natural family planning services and refer a patient elsewhere if she wishes to have other contraceptive methods.

Is it your intention with this amendment to mirror the current practices of the family planning program for referral practices—allowing some practitioners or programs to refer patients elsewhere for counseling on abortion?

Mr. DURBIN. Yes, it is.

Mr. WAXMAN. Is it your intention to allow individual providers—such as a doctor or a nurse in a clinic—to refer to other providers in the project?

Mr. DURBIN. Yes, it is.

Mr. WAXMAN. If there is no one in the project that is willing to provide full counseling, is it your intention to allow the project to refer to other projects in the vicinity for abortion counseling?

Mr. DURBIN. Yes.

Mr. WAXMAN. I thank the gentleman.

This amendment is a useful clarification of the bill. The conscience clause has been a reasonable and practical policy for years in the Public Health Service, and its application here is appropriate.

I support the Durbin amendment, and I urge all Members to do so.

□ 1550

Mr. HYDE. Madam Chairman, I yield such time as he may consume to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank my friend for yielding time to me.

I rise in opposition to the Durbin amendment because, in my view, it just is not a conscience clause, but it is masquerading as a conscience clause when it would actually require, mandate and force a counselor opposed to abortion for moral or religious reasons to refer a mother to a pro-abortionist for abortion counseling. That is the simple language of the amendment if Members will look at it. It reads:

The project or provider refers the individual seeking services to another provider in the project, or to another project in the geographic area, as the case may be, that will provide such information.

That, as I think the gentleman from Illinois [Mr. HYDE], so eloquently put it, is forced complicity.

In other words, a title X recipient that does not want to be promoting, advocating, counseling or referring for abortion would be required to become part of the process, of the facilitation of that child's demise.

Mr. DURBIN. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. Very briefly, yes, I yield to the gentleman from Illinois.

Mr. DURBIN. Let me say that now that we have adopted the amendment of the gentleman from Ohio, if a person came into a title X clinic and asked for abortion counseling, under the gentleman from New Jersey's interpretations, what then should occur if the person who is to give the counseling cannot in good conscience offer that counseling?

Mr. SMITH of New Jersey. I would hope that they would refer them to the title X regulations under the Bush Administration which would suggest prenatal care, which would say that this is not a pregnancy management type of operation, this is a preconception title X program.

Mr. DURBIN. If the patient returned and said they did not want that, they want abortion counseling at a title X clinic, then what would the gentleman have them do?

Mr. SMITH of New Jersey. Reclaiming my time, very simply, we would have them say we do not counsel or refer for abortions, very simply, because it takes a life of an unborn child.

Let me just also say this scheme would force pro-life title X counselors to help facilitate an abortion, putting hundreds, thousands and perhaps even millions over the years of unborn children at great risk. It turns conscientious objection right on its head.

Furthermore, under Durbin, the taxpayers could continue to subsidize and pay for counseling and referring for abortion as a method of family planning in clear violation of the consciences of hundreds of thousands and tens of millions of Americans who do not want to have their tax funds being used to refer these women for abortion.

Conscience clause? Give me a break.

Mr. HYDE. Madam Chairman, I yield the balance of our time, 3½ minutes, to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Madam Chairman, I am one of those that the author of this amendment said he envies in this Chamber because I know which side of the street I want to stand on, and I feel sorry that when he looks at or hears about a "Phil Donohue show" where a 6-month-old baby is there named Rosa with one arm gone because it was ripped off in an abortion process, that he does not have it clear in his head that that is a child in the womb; when he sees little Jennifer from southern Orange County, a 16-year-old who gave up high school to travel the country because she is terribly handicapped and burned from an attempted saline abortion that he does not understand that Jennifer is a human being who was born.

I am glad you were born. I am glad everybody was born to participate in this debate. But I still do not understand the handful, the small handful of people in this Chamber who act like they are tortured because they cannot make up their mind whether that is a baby in the womb or not.

I have seen some ugly euphemisms in my 15 years around this Hill, but pregnancy management option? It is not a management option of family planning to kill the baby. And I do not understand why the abortion, gigantic multibillion dollar abortion industry and its defenders in this House, and the tortured handful of people who pretend they want to have it both ways, do not understand the passion of the people who believe these babies have a human soul.

Mr. HYDE. Madam Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Chairman, the Bloomington baby which was born with Down's syndrome, which the parents were given the management option of starvation rather than connecting the esophagus to the stomach, a common situation which easily was remedied by surgery, the doctors gave the parents a management option of not making that surgery, not making that connection, and the baby starved to death. So do not be shocked at the term "management option." It is something that I dare say Hitler wishes he could have thought of to use it at Auschwitz.

Mr. DORNAN of California. Auschwitz. I am glad I heard that word. I would like everybody in this Chamber, every visitor, Madam Chairman, and everybody across the country to absorb this fact that was just suppressed by the dominant media culture. The angel of death should have been called the devil of death on rail lines at Birkenau, the adjunct satellite camp to Auschwitz which the gentleman mentioned, which actually killed 4 million people, that angel of death, Dr. Mengele, who did in fact escape justice until God finally took him in a drowning accident on a Brazilian beach in 1979, guess what Dr. Mengele, the devil of Auschwitz and Birkenau did when he went to South America to hide from justice, guess what he practiced as a medical doctor, again disregarding his hypocratic oath and any sense of Christian or Jewish decency in this all over Europe, surprise, surprise, surprise, Dr. Mengele was an abortionist in Argentina and Brazil.

We are killing innocent human life. Leave these Bush regulations alone, and let these family clinics function on planned parenthood that does not involve the death of an existing human being with an immortal soul. And Moses agrees with it, and Theramenes does. And in fact, all 23 of these lawmakers on our walls, including the infamous Napoleon, at least those who chose to speak out in the pages of history believed that that child moving in there was a live human being.

And I visited Dr. Killer Tiller's abortuary in Wichita, KS, 2 weeks ago and I watched the taxicab driver arrive with a mother-to-be who was showing, showing. Showing what? A human being with a soul.

Mr. DURBIN. Madam Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise today in strong support of Mr. DURBIN's amendment to exempt title X projects and individuals from the counseling mandate on the basis of religious beliefs or moral convictions, while mandating that in such cases, women be referred to clinics or individuals that will provide them with information on all of their pregnancy management options. I commend my colleague from Illinois for offering this amendment.

Madam Chairman, this amendment is quite appropriate in the context of today's debate. It would allow individuals and projects to act in compliance with the law, while not compromising their own moral convictions or religious beliefs. But even more important, this amendment further protects the woman's right to know; her right to have all the available information regarding her pregnancy options. As always in this Chamber we must week a balance regarding the rights of individuals. We must be sure that in the interest of preserving one personal right, we do not put other rights in jeopardy. I believe this amendment achieves such a balance.

Madam Chairman, I would also like to remind my colleagues that Mr. DURBIN's amendment is not a dramatic or radical change in the title X program. This same provision exists now in the program guidelines as they pertain to birth control. If a woman enters a Catholic clinic and requests information on birth control she is referred to another local clinic that will provide that information to her.

This amendment is good, responsible policymaking; getting at an issue of concern for many Members when mandating counseling on such a sensitive subject. I urge my colleagues to support this amendment and to support this bill to overturn the gag rule, which if allowed to stand, would deceptively deny women complete information regarding her medical condition.

□ 1600

Mr. DURBIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the previous speaker to the gentleman from Arizona made some comments relative to the tragedies associated with abortion. For many of us who struggle with this issue, we acknowledge those tragedies, but I would say to the gentleman and to those on the other side who believe that they are opposed to abortion in all

circumstances other than life of the mother that I only wish they could have been with me in Qunicy, IL, at a home for abused children as I sat across the table from two 14-year-old girls who had been victimized by rape and incest, whose lives had been broken at an age far too young, who faced the kind of fragile emotional state where any parent could look into their eyes and wonder if they would survive to adulthood and say to them, "Under no circumstances could you have terminated your pregnancy." I could not say that.

Some of the people on the other side could say it easily. I am not one of them.

Second, this conscience clause has been in the law for almost 20 years. It has been accepted by those on both sides of the issue as a legitimate way to give people with moral and religious convictions a way to exercise a conscience responsibly.

Today in the name of killing this family planning authorization bill, now we find people arguing that a conscience clause should not be included in it. Why is it that whenever a family planning issue comes to this floor those who have spoken today always find a reason to oppose it, and yet stand and pronounce that they are for family planning?

This is the test. This is the bill. I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 102–506.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 4, after line 18, insert the following sections (and redesignate subsequent sections accordingly):

SEC. 5. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized in title X of the Public Health Service Act to be purchased with financial assistance provided under such title, it is the sense of the Congress that entities receiving such assistance should in expending the assistance purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under title X of the Public Health Service Act, the Secretary of Health and Human Services shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT. Madam Chairman, I would like to say that this is a Buy American amendment that would require, in fact, a sense of the Congress to encourage anyone who receives financial assistance under this act to purchase American-made goods, and the second part of it would require notice.

Now, they say there is not an awful lot of money here, but I am just going to take a minute and talk to the Members about what I think is wrong with our economy and why I want this type of amendment, because I think every American must now play a part in our recovery, if there is to be one.

I would like to give the Members an analogy, just real briefly, one that many of the Members in the House will understand about heavyweight fighters.

They said that Muhammad Ali was not a great heavyweight because he could not punch. He did not knock you out with one punch. That is not true. They said Foreman was great, Mike Tyson was great, Joe Louis was great, one punch, knock you out.

Folks, our economy is suffering from the Muhammad Ali syndrome. Here is how it works: Muhammad Ali would place a well-planned strategic blow round by round in accumulating numbers, round 2, round 3, round 5, round 7, and from the accumulation of those well-planned blows, his opponent was subdued and ultimately knocked cold.

Now, folks, let us look at the facts. George Foreman almost won the heavyweight championship about 6 months ago at the age of 44. Twenty years ago in his prime, Muhammad Ali knocked him out cold.

Since World War II, we have been taking strategic blows to our economy. Jobs have been going overseas. Dollars have been going overseas. It is now at a point when every company goes overseas and our economy is beginning to feel it.

So this little humble amendment just says this: Anyone who is getting money under this act, that Congress encourages them, because the Congress does not want to do anything more than encourage perhaps some recycling of our dollars at this point, but the second point is, and I would like this to remain after conference, and I would like the respective teams to consider this: It calls for a notice for all of the recipients of this assistance, that they be given a notice of the Congress' intention under the bill encouraging them to buy American, and if each and every American just does this and Congess is consistent, I think our economy, little by little, will start to come back if there is any hope at all.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from California, the subcommittee chairman, and I appreciate his consideration.

Mr. WAXMAN. Madam Chairman, I thank the gentleman for yielding.

I want to indicate I have no objection to this amendment.

Mr. BLILEY. Madam Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Virginia, the ranking minority member.

Mr. BLILEY. Madam Chairman, we have read the amendment, and we have no objection on this side.

Mr. TRAFICANT. Madam Chairman, I appreciate the gentleman's support, and thank him for his consideration.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GEPHARDT] having assumed the chair, Ms. SLAUGHTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3090) to amend the Public Health Service Act to revise and extend the program of assistance for family planning services, pursuant to House Resolution 442 she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 150, not voting 16, as follows:

[Roll No. 95]

YEAS—268

Abercrombie	Aspin	Bilbray
Ackerman	Atkins	Blackwell
Alexander	AuCoin	Boehlert
Allen	Bacchus	Bonior
Anderson	Ballenger	Boucher
Andrews (ME)	Beilenson	Boxer
Andrews (NJ)	Bereuter	Brewster
Andrews (TX)	Berman	Brooks
Anthony	Bevill	Browder

Brown	Horn	Pelosi
Bruce	Horton	Penny
Bryant	Houghton	Peterson (FL)
Bustamante	Hoyer	Pickett
Byron	Hubbard	Pickle
Campbell (CA)	Huckaby	Porter
Cardin	Hughes	Price
Carper	Jacobs	Pursell
Carr	Jefferson	Ramstad
Chandler	Jenkins	Rangel
Chapman	Johnson (CT)	Ravenel
Clay	Johnson (SD)	Reed
Clement	Johnston	Regula
Clinger	Jones (GA)	Richardson
Coleman (MO)	Jones (NC)	Ridge
Coleman (TX)	Jontz	Riggs
Collins (IL)	Kaptur	Roemer
Condit	Kennedy	Rose
Conyers	Kennelly	Rostenkowski
Cooper	Kleczka	Roukema
Coughlin	Klug	Rowland
Cox (IL)	Kolbe	Roybal
Coyne	Kopetski	Russo
Cramer	Kostmayer	Sabo
Darden	Lancaster	Sanders
DeFazio	Lantos	Sangmeister
Dellums	LaRocco	Savage
Derrick	Laughlin	Sawyer
Dickinson	Leach	Scheuer
Dicks	Lehman (CA)	Schiff
Dingell	Lehman (FL)	Schroeder
Dixon	Levin (MI)	Schumer
Dorgan (ND)	Levine (CA)	Serrano
Downey	Lewis (CA)	Sharp
Durbin	Lewis (GA)	Shays
Dwyer	Lloyd	Sikorski
Dymally	Long	Sisisky
Early	Lowey (NY)	Skaggs
Eckart	Machtley	Skeen
Edwards (CA)	Markey	Slattery
Edwards (TX)	Martin	Slaughter
Engel	Martinez	Smith (IA)
English	Matsui	Smith (TX)
Erdreich	McCandless	Snowe
Espy	McCloskey	Solarz
Evans	McCurdy	Spratt
Fascell	McDermott	Stallings
Fawell	McHugh	Stark
Fazio	McMillan (NC)	Stokes
Feighan	McMillen (MD)	Studds
Fish	McNulty	Swett
Flake	Meyers	Swift
Foglietta	Mfume	Synar
Ford (MI)	Miller (CA)	Tanner
Ford (TN)	Miller (WA)	Thomas (CA)
Frank (MA)	Mineta	Thomas (GA)
Franks (CT)	Mink	Thomas (WY)
Frost	Moakley	Thornton
Gallo	Molinari	Torres
Gejdenson	Moody	Torricelli
Gekas	Moran	Towns
Gephardt	Morella	Traficant
Geren	Morrison	Unsoeld
Gibbons	Mrazek	Upton
Gilchrest	Nagle	Valentine
Gilman	Natcher	Vento
Glickman	Neal (MA)	Visclosky
Gonzalez	Neal (NC)	Washington
Gordon	Nichols	Waxman
Gradison	Obey	Weiss
Green	Olin	Wheat
Guarini	Olver	Williams
Hamilton	Owens (NY)	Wilson
Harris	Owens (UT)	Wise
Hatcher	Pallone	Wolpe
Hayes (IL)	Panetta	Wyden
Hefner	Pastor	Yates
Hertel	Patterson	Zeliff
Hoagland	Payne (NJ)	Zimmer
Hobson	Payne (VA)	
Hochbrueckner	Pease	

NAYS—150

Allard	Boehner	Cunningham
Annunzio	Borski	Davis
Applegate	Broomfield	de la Garza
Archer	Bunning	DeLay
Armey	Burton	Donnelly
Baker	Callahan	Doolittle
Barrett	Camp	Dornan (CA)
Barton	Coble	Dreier
Bateman	Combest	Duncan
Bennett	Costello	Edwards (OK)
Billrakis	Cox (CA)	Emerson
Bliley	Crane	Ewing
Gallegly	Luken	Rohrabacher
Gillmor	Manton	Ros-Lehtinen
Gingrich	Mavroules	Roth
Goodling	Mazzoli	Santorum
Goss	McCollum	Sarpalius
Grandy	McCrery	Saxton
Gunderson	McGrath	Schaefer
Hall (OH)	Michel	Schulze
Hall (TX)	Miller (OH)	Sensenbrenner
Hammerschmidt	Mollohan	Shaw
Hancock	Montgomery	Shuster
Hansen	Moorhead	Skelton
Hastert	Murphy	Smith (NJ)
Hayes (LA)	Murtha	Smith (OR)
Hefley	Myers	Solomon
Henry	Nowak	Spence
Herger	Nussle	Staggers
Holloway	Oakar	Stearns
Hopkins	Oberstar	Stenholm
Hunter	Ortiz	Stump
Hutto	Orton	Sundquist
Hyde	Oxley	Tallon
Inhofe	Packard	Tauzin
Ireland	Parker	Taylor (MS)
James	Paxon	Taylor (NC)
Johnson (TX)	Perkins	Vander Jagt
Kanjorski	Peterson (MN)	Volkmer
Kasich	Petri	Vucanovich
Kildee	Poshard	Walker
Kyl	Quillen	Walsh
LaFalce	Rahall	Weber
Lagomarsino	Ray	Weldon
Lent	Rhodes	Whitten
Lewis (FL)	Rinaldo	Wolf
Lightfoot	Ritter	Wylie
Lipinski	Roberts	Yatron
Livingston	Roe	Young (AK)
Lowery (CA)	Rogers	Young (FL)

NOT VOTING—16

Barnard	Dooley	McEwen
Bentley	Fields	Smith (FL)
Campbell (CO)	Gaydos	Traxler
Collins (MI)	Kolter	Waters
Dannemeyer	Marlenee	
DeLauro	McDade	

□ 1628

The Clerk announced the following pairs:

On this vote:

Ms. DeLauro of Connecticut for, with Mr. Marlenee against.

Mr. Smith of Florida for, with Mr. McEwen against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3090, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, pursuant to the provisions of House Resolution 442, I call up from the Speaker's table the Senate bill (S. 323) to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title X Pregnancy Counseling Act of 1991".

SEC. 2. PROVISION OF INFORMATION, NONDIRECTIVE COUNSELING AND REFERRAL SERVICES REGARDING PREGNANCIES.

Title X of the Public Health Service Act (42 U.S.C. 300 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1010. PROVISION OF INFORMATION, NONDIRECTIVE COUNSELING AND REFERRAL SERVICES REGARDING PREGNANCIES.

"(a) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that pregnant women receiving services from projects funded under this title are provided with information and nondirective counseling services, and referral services upon request, concerning all legal and medical options regarding their pregnancies. Women requesting information or nondirective counseling under this section regarding the options for the management of an unintended pregnancy shall be provided with nondirective counseling, and referral on request, concerning alternative courses of action that may include—

"(1) prenatal care and delivery; and

"(2) infant care, foster care, or adoption services; and

"(3) pregnancy termination.

If, in the case of a woman requesting such information and nondirective counseling, an ectopic pregnancy or other immediate threat to the women's health is suspected, such woman must be referred for immediate diagnosis and therapy.

"(b) EXEMPTION FOR RELIGIOUS BELIEFS OR MORAL CONVICTIONS.—

"(1) IN GENERAL.—No project, or individual employed or associated with such project, may decline to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), except where the provision of such information, nondirective counseling or referral services would be contrary to the religious beliefs or moral convictions of the project or individual.

"(2) FACILITIES AND PERSONNEL.—A project that, as provided for in paragraph (1), declines to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), may not be required to—

"(A) make its facilities available for the provision of such information, nondirective counseling or referral services; or

"(B) provide any personnel for the provision of such information, nondirective counseling or referral services.

"(c) REQUIREMENT OF REFERRAL.—If a project or individual is exempt pursuant to subsection (b) from the requirement of providing information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a), such project or individual shall advise the patient of that fact and refer such patient to another individual within the same project, or if another such individual is unavailable, to another project, that provides such information, nondirective counseling or referral services.

"(d) PROHIBITION AGAINST DISCRIMINATION.—A project receiving assistance under

this title after the date of enactment of this section shall not—

"(1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel; or

"(2) discriminate in the extension of staff or other privileges to any physician or other health care personnel;

because such physician or other health care personnel has provided information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2), or (3) of subsection (a) or refused to provide such information, nondirective counseling or referral services on the grounds that such information, nondirective counseling or referral services would be contrary to the religious beliefs or moral convictions of the physician or health care personnel, or because of the religious beliefs or moral convictions of the physician or health care personnel with respect to such information, nondirective counseling or referral services.

"(e) NON-TERMINATION OF GRANT.—No project may be denied funding, or be terminated, under this title based on the decision of such project to provide or decline to provide information, nondirective counseling or referral services on any of the subjects described in paragraphs (1), (2) or (3) of subsection (a). The burden of proof shall be on the entity or official making the determination to deny funding or terminate the project to demonstrate that such denial or termination is not based on the decision by such project to provide or decline to provide such information, nondirective counseling or referral services.

"(f) ACCESSIBILITY OF SERVICE.—A grantee under this title shall ensure that information, nondirective counseling or referral services on each of the subjects described in paragraphs (1), (2) or (3) of subsection (a) is available at an adequate number of projects assisted by such grantee under the grant within the geographic area served, or otherwise provide access to such information, nondirective counseling or referral services at another entity within the grantee's geographic area which will provide such services under the same financial eligibility criteria as projects assisted under this title.

"(g) DEFINITION.—For purposes of this section, the term 'project' means an entity that provides family planning services with funds received under this title under a negotiated, written agreement with a grantee.

"(h) PROVISION OF STATISTICS.—A project receiving assistance under title X of the Public Health Service Act shall maintain statistics concerning the referrals of pregnant women to whom such project has provided information, counseling or referral under subsection (a). Such project shall, on a quarterly basis, prepare and submit to the Secretary of Health and Human Services a report containing the statistics maintained by the project under this subsection for the quarter for which such report is submitted. The Secretary shall ensure that no records are maintained by such project which include the names of individual women and the referrals requested by such women.".

SEC. 3. ABORTION SERVICES PROVIDED TO MINORS.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) No entity that receives a grant or enters into a contract under this section shall provide an abortion for an unemancipated minor under the age of 18 unless—

"(A) the attending physician has received and will make part of the medical record of such minor the written consent of the minor and one parent, guardian, or adult family member of the minor;

"(B) the attending physician has given prior notice to a parent or guardian of the minor 48 hours prior to the performance of the abortion;

"(C)(i) the minor has received the information and counseling required under paragraph (2);

"(ii) the minor has provided a written verification of receiving such information and counseling and the attending physician has received and will make part of the medical record of the minor the written consent and written verification of the minor; and

"(iii) the attending physician has determined that—

"(I) the minor is mature enough and competent to provide consent; or

"(II) the involvement of a parent or guardian of the minor may lead to the physical or emotional abuse of the minor or is otherwise not in the best interest of the minor; or

"(D) a court of competent jurisdiction has issued an order, as described in paragraph (3), granting the minor the right to consent to the abortion.

"(2)(A) The information and counseling required under paragraph (1)(C) shall, in a manner that will be understood by the minor—

"(i) provide the minor with information concerning the alternative choices available for managing the minor's pregnancy, including prenatal care and delivery, infant care, foster care, or adoption, and pregnancy termination;

"(ii) include a discussion of the possibility of involving the minor's parents, guardian or other adult family members in the decision of the minor concerning the pregnancy and whether the minor believes that such involvement would be in the best interest of the minor; and

"(iii) provide an adequate opportunity for the minor to ask any questions concerning the pregnancy and the options available for the management of the pregnancy.

"(B) The individual providing the information and counseling to the minor as provided for under paragraph (1)(C) shall obtain the signature of the minor on a dated form that—

"(i) states that the minor has received the information and counseling described in subparagraph (A); and

"(ii) sets forth the reasons, if any, for not involving the parents, guardian or other adult family members of the minor in the decision of the minor concerning the pregnancy.

The individual providing the information and counseling shall sign and date the form, maintain a copy of the form and provide the original form to the minor or, if the minor so requests and the individual providing the information and counseling is not the attending physician, transmit the original form or a copy of such form to the attending physician of the minor.

"(C) The information and counseling required under paragraph (1)(C) may be provided by a physician, psychiatrist, psychologist, social worker, physician's assistant, nurse practitioner, guidance counselor, registered professional nurse or practical nurse licensed or registered to practice under applicable State laws, or an ordained member of the clergy.

"(3) This subsection shall not be applicable in any State that fails to provide a pregnant unemancipated minor under the age of 18 with a confidential, expedited judicial procedure that enables such a minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor.

"(4) This subsection shall not be applicable in any State—

"(i) in which the State law prescribes the conditions or circumstances under which abortions may be provided to unemancipated minors under the age of 16;

"(ii) to the extent that this subsection would conflict with the provisions of the constitution of such State; or

"(iii) in which a referendum or initiative has been held concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

"(5) For purposes of this subsection, the term 'adult family member' means an individual over the age of 18 who is a sibling, grandparent, or aunt or uncle of the minor.

"(6) A postal receipt that shows an article of mail was sent by certified mail, return receipt requested, delivery restricted to the addressee, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice that was sent in that article of mail, shall be conclusive evidence of the notice described in paragraph (1)(B). The notice, if sent by certified mail, shall be deemed to have been received at 12:00 post meridian on the next day on which regular mail delivery takes place, subsequent to the mailing.".

SEC. 4. PARENTAL NOTIFICATION REGARDING ABORTION.

Section 1001 of the Public Health Service Act (42 U.S.C. 300) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Secretary may not make a grant under this section unless the entity applying for the grant agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless there has been compliance with one of the following:

"(1) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted.

"(2) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice.

"(3) The minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed.

"(4) The entity complies with an applicable State or local law that requires that one or both parents or a guardian either be notified or give consent before an abortion is performed on an unemancipated minor under the age of 18, whether or not the State law provides that parental notification or consent may be waived through judicial proceedings.".

SEC. 5. TITLE 10 PROJECTS SEPARATE FROM CLINICS THAT PERFORM ABORTIONS.

Nothing in this Act shall be construed to invalidate, nullify or amend regulations published at 42 CFR 59.9 and 59.10.

SEC. 6. PARENTAL NOTICE.

Notwithstanding any other provision in this Act, a requirement of parental notice or consent shall not be applicable in any State in which has held a referendum or initiative before December 1990 concerning the conditions or circumstances under which abortions may be provided to unemancipated minors and such referendum or initiative has been subjected to a popular vote.

SEC. 7. STATE LAW NOT SUPERSEDED.

Title X of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. _____. STATE LAW NOT SUPERSEDED.

"(a) Notwithstanding any other provision of law, no State may be denied funds under this Act because it requires health care providers to obtain the consent or notification of the parent of a minor before providing any health care service to such minor.

"(b) Such law must be enacted prior to April 1, 1981.".

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 442, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike all after the enacting clause of the Senate bill, S. 323, and to insert the provisions of the bill, H.R. 3090, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to revise and extend the program of assistance for family planning services."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3090) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 323, TITLE X PREGNANCY COUNSELLING ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The clerk read as follows:

Mr. WAXMAN. moves the House insist on its amendment to the Senate bill, S. 323, and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Resolution 442, and without objection, the Chair appoints the following conferees and without objection reserves the right to appoint additional conferees: Messrs. DINGELL, WAXMAN, WYDEN, LENT, and BLILEY.

There was no objection.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 323, TITLE X PREGNANCY COUNSELLING ACT OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House amendment to the Senate bill, S. 323, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, due to the events in Los Angeles, and in particular the 29th Congressional District, I was unavoidably detained during regular business. Had I been present for the vote I missed I would have voted as follows:

Rollcall vote 95: "Yes."

□ 1630

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of ascertaining the schedule for the rest of the week and for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the distinguished majority leader to tell us about the schedule for the remainder of this week and for next week.

Mr. GEPHARDT. Mr. Speaker, there will be no more votes today. There will be no votes tomorrow.

On Monday, May 4, the House will meet at noon. There will be no legislative business.

On Tuesday, May 5, the House will meet at noon and will consider on suspension three bills, but the recorded votes on these bills will be postponed until Wednesday, May 6.

Mr. Speaker, we will consider the following bills:

H.R. 4485, to authorize reimbursement of expenses for overseas inspections and examinations of foreign vessels;

H.R. 3247, National Undersea Research Program Act of 1991; and

H.R. 4774, to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries.

Mr. Speaker, we will also attempt to consider again H.R. 4364, the NASA authorization, but we will not entertain votes on that day. We are now in consultation with the gentleman from Pennsylvania [Mr. WALKER] and others on the committee to determine whether or not they can be accomplished and whether or not votes can be avoided. If they cannot be, we will have to find another time for that consideration.

On Wednesday, May 6, and Thursday, May 7, the House will meet at 10 a.m. and will take up H.R. 2039, the Legal Services Reauthorization Act, complete consideration, and H.R. 4990, rescinding certain budgetary authority, subject to a rule.

On Friday, May 8, the House will meet at 11 a.m. but there will be no legislative business.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri. There was a question I wanted to ask about the negotiations on the NASA bill. It is my understanding we are going to attempt to finish the NASA bill if we can, but that we would have to roll votes on that, which means that if there were votes on amendments, that could be a problem. So we are trying to work that out.

Mr. Speaker, could the gentleman from Missouri [Mr. GEPHARDT] tell me, on H.R. 4990, it says "rescinding certain budget authority." Could the gentleman tell me what the exact nature of that bill is?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, as I understand it it is a bill from the Committee on Appropriations.

Mr. WALKER. Is this the rescission bill?

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri.

ADJOURNMENT TO MONDAY, MAY 4, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 6, 1992, AND THURSDAY, MAY 7, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 5, 1992, it adjourn to meet at 10 a.m. on Wednesday, May 6, 1992, and that when the House Adjourns on Wednesday, May 6, 1992, it adjourn to meet at 10 a.m. on Thursday, May 7, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4617 THROUGH H.R. 4684 INCLUSIVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from Rhode Island [Mr. MACHTLEY] as cosponsor of H.R. 4617 through H.R. 4684, inclusive. He was inadvertently named as a cosponsor of these bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, I was unable to vote today on rollcall vote 93, on House Resolution 429. If I were here I would have voted for this resolution.

Mr. Speaker, I was also detained from voting on rollcall vote 94, the rule on House Resolution 442. Had I been present I would have voted for this rule.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3626

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3626.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

NATIONAL GEOLOGIC MAPPING ACT OF 1991

Mr. RAHALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2763) to enhance geologic mapping of the United States, and for other purposes, with Senate amendments thereto, and to concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, line 5, strike out "1991" and insert: "1992".

Page 2, strike out lines 8 to 10, and insert: "(C) land use evaluation and planning for environmental protection;".

Page 5, line 11, strike out "210" and insert: "300".

Page 5, strike out lines 17, 18, and 19 and insert:

"(C) within 210 days after the date of enactment of this Act, submit a report to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the House of Representatives identifying—".

Page 6, line 2, strike out "and".

Page 6, line 6, strike out "program." and insert: "program; and".

Page 6, after line 6, insert:

"(iv) the degree to which geologic mapping activities traditionally funded by the Survey, including the use of commercially available aerial photography, geodesy, professional land surveying, photogrammetric mapping, cartography, photographic processing, and related services, can be contracted to professional private mapping firms.".

Page 6, strike out lines 18 to 23, and insert:

"(1) determining the Nation's geologic framework through systematic development of geologic maps at scales appropriate to the geologic setting and the perceived applications, such maps to be contributed to the national geologic map data base;".

Page 7, line 19, strike out all after "priorities" down to and including "and" in line 20

Page 10, line 1, strike out all after "priorities" down to and including "Survey" in line 2

Page 10, strike out all after line 20 over to and including line 7 on page 11 and insert:

"(a) ESTABLISHMENT.—There shall be established a sixteen member geologic mapping advisory committee to advise the Director on planning and implementation of the geologic mapping program. The President shall appoint one representative each from the Environmental Protection Agency, the Department of Energy, the Department of Agriculture, and the Office of Science and Technology Policy. Within 90 days and with the advice and consultation of the State Geological Surveys, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 4 representatives from the State geological surveys, 3 representatives from academia, and 3 representatives from the private sector.".

Page 12, line 12, strike out all after "priorities" down to and including "(Revised)" in line 13

Page 13, strike out lines 14 to 20, and insert:

"(4) a description of the degree to which the Survey can acquire, archive, and use Side-Looking Airborne Radar (SLAR) or Interferometric Synthetic Aperture Radar (IFSAR) data in a manner that is technically appropriate for geologic or related mapping studies;".

Page 15, line 11, strike out "$11,500,000" and insert: "$12,000,000".

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, I will not object, but would like to ask the gentleman from West Virginia [Mr. RAHALL] to explain the motion.

Mr. RAHALL. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I am happy to yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, the National Geologic Mapping Act of 1991 passed the House on November 19, 1992, by voice vote. On March 31, 1991, the Senate passed H.R. 2763 with several technical amendments which we are agreeable to.

By way of explanation, the purpose of the National Geologic Mapping Act of 1991 is to enhance and expedite the large-scale mapping of the Nation's geologic resources.

Less than 20 percent of the United States has been mapped at a scale appropriate for use in environmental and energy policy. Although the Department of Interior's Geological Survey is the Nation's premier mapping agency, the Survey is not doing an adequate job.

The Survey has shifted its priorities to more high-science projects, leaving geologic mapping in the lurch. What geologic mapping is done by the Survey is usually at a scale so small that it is useless for local and regional decisionmaking.

H.R. 2763 would increase the amount of funding available to the Survey for geologic mapping. It also would provide for a substantial infusion of funds to be spent by States for cooperative geologic mapping projects. This funding has waned significantly in the last several years.

In addition, clear-cut guidance will be provided to the Survey in an effort to beef up and enhance the existing geologic mapping program.

Large-scale geologic mapping represents an important step in protecting the environment. Furthermore, without the funding and guidance provided in this bill, it is possible that our Nation's geology and mineral resources could remain a mystery.

That concludes my explanation of the bill.

Mrs. VUCANOVICH. Mr. Speaker, reclaiming my time, I thank the gentleman from West Virginia [Mr. RAHALL] for his explanation. I do support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from West Virginia?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2763.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

MODIFICATION IN APPOINTMENT OF CONFEREES ON S. 1150, HIGHER EDUCATION AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to the authority granted on March 26, 1992, and without objection the Chair announces the following modifications in the appointment of conferees on S. 1150:

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 427 and 1405 of the Senate bill, and sections 499A, 499B, and 499C of the House amendment, and modifications committed to conference: Messrs. BROWN, BOUCHER, THORNTON, WALKER, and PACKARD.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the changes in conferees.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

YEAR OF RECONCILIATION BETWEEN AMERICAN INDIANS AND NON-INDIANS

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 222) to designate 1992 as the "Year of Reconciliation Between American Indians and Non-Indians," and asked for its immediate consideration.

□ 1640

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I yield to the gentleman from South Dakota [Mr. JOHNSON], who is the chief sponsor of this resolution.

Mr. JOHNSON of South Dakota. Madam Speaker, I have introduced House Joint Resolution 358, a bill which authorizes the President to declare 1992 as a National Year of Reconciliation Between American Indians and Non-Indians. The companion to this bill, Senate Joint Resolution 222, has already passed the other body.

It is my hope that this bill will call attention to the need to improve relations between American Indians and non-Indians so that substantive issues can be addressed in a helpful manner. This bill obviously should not be viewed as a cure-all to the problems that plague the relationship between the Indian and non-Indian communities. Yet it is only fitting that as we celebrate the quincentennial of Columbus' arrival in America, we also honor this country's native peoples and commit our Nation to an effort to reconcile our differences. One thing is clear: Until we improve relations between these two groups, there will be little success in addressing the important issues of promoting tribal economic development or in improving quality health care and education in the Indian community.

The idea of this bill came from Tim Giago, the founder and publisher of the Lakota Times newspaper in Rapid City, SD. He paved the way for 1991 to be declared a Year of Reconciliation in South Dakota and he was the one who urged the South Dakota congressional delegation to do the same nationally. Tim has been in the forefront of sensitizing us all to the needs of the American Indian community and we owe him a great deal of praise for his efforts.

Last, I would like to thank all of my colleagues who cosponsored House Joint Resolution 358. Thank you as well to subcommittee Chairman TOM SAWYER and his staff, ranking minority member TOM RIDGE, and full committee Chairman BILL CLAY for shepherding this measure through the House. I would also be remiss if I neglected to thank the students at the Sacred Heart School in Yankton, SD, who urged many of our colleagues to support this measure.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 222

Whereas 1992 will be recognized as the quincentennial anniversary of the arrival of Christopher Columbus to this continent;

Whereas this 500th anniversary offers an opportunity for the United States to honor the indigenous peoples of this continent;

Whereas strife between American Indian and non-Indian cultures is of grave concern to the people of the United States;

Whereas in the past, improvement in cultural understanding has been achieved by individuals who have striven to understand the differences between cultures and to educate others;

Whereas a national effort to develop trust and respect between American Indians and non-Indians must include participation from the private and public sectors, churches and church associations, the Federal Government, Tribal governments and State governments, individuals, communities, and community organizations;

Whereas mutual trust and respect provides a sound basis for constructive change, given a shared commitment to achieving the goals of equal opportunity, social justice and economic prosperity; and

Whereas the celebration of our cultural differences can lead to a new respect for American Indians and their culture among non-Indians: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1992 is designated as the "Year of Reconciliation Between American Indians and non-Indians". The President is authorized and requested to issue a proclamation calling upon the people of the United States, both Indian and non-Indian, to lay aside fears and mistrust of one another, to build friendships, to join together and take part in shared cultural activities, and to strive towards mutual respect and understanding.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 466) designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so to yield to the gentleman from Pennsylvania [Mr. GEKAS], the chief sponsor of this resolution, an outspoken advocate on behalf of the rights of the victims of crimes.

Mr. GEKAS. Madam Speaker, I thank the gentleman for yielding to me.

This year, just as in the past, we observe, we cannot say celebrate and we cannot say honor, but we observe crime victims' week. Because inherent in the observation is the recognition that crimes are being committed at a rapid rate. Even as we speak, in Los Angeles the incidents that we see so vividly on the TV screen sadly tell us the statistics are mounting.

But it is important not just for the statistics themselves to be revealed every year during this crime victims'

week, because statistics are just numbers, but each one of them represents, of course, a tragedy to not just one person but in most cases to hundreds or perhaps thousands of people.

One rape, one would think, affects only one victim. But can we count in that systematic counting of victims the victim's family? Of course. And how about the people who rush to that victim's aid? The various associations and entities which have been set up to come to the side of such a victim? And how about the taxpayers, who have to in one way or another foot the bill for the investigation and the apprehension and the conviction, hopefully, of the perpetrator?

This kind of example can go on and on and on in every single assault or burglary or larceny that occurs across the land. So we honor today not victims; we hold their hands. What we do is to honor those organizations.

I would like to tick off a few for the purposes of the RECORD who are actively engaged on a daily basis in the cause of crime victims, real quickly:

The AARP, of course, the American Probation and Parole Association, Concerns of Police Survivors, General Federation of Women's Clubs, International Association of Chiefs of Police, Mothers Against Drunk Driving, National Association of Crime Victim Compensation Boards, National Center for Missing and Exploited Children, National Child Advocacy Center, National Crime Prevention Council, National Committee for the Prevention of Elderly Abuse, National Organization for Victim Assistance, National Sheriffs' Association, National Victims Centers, Parents of Murdered Children, Spirited Dimension and Victims Services, et cetera, et cetera, et cetera.

Let us use the occasion again to focus on crime victims and, more importantly, to try to prevent newer and more horrific statistics by concentrating on the prevention of crime and the swift apprehension of those who perpetrate crimes in our society.

Madam Speaker, this week, from Sunday, April 26, through May 2, 1992, the United States will celebrate National Crime Victims' Rights Week. For the past several years I have introduced and Congress has passed a commemorative honoring the victims of crime and the organizations who help such victims in their greatest time of need.

Across the country, nearly 8,000 victims' service organizations, such as the National Victims Center and the National Organization for Victims Assistance, are organizing press conferences, events, and other activities to publicize the importance and availability of victim assistance and victims' rights.

Only last Thursday, April 23, 1992, the National Victim Center released a brandnew study of women across the country to find out the latest rape statistics. The results were shocking. For example, more women than previously assessed are forcibly raped each year. Now, the figure is 683,000 adult American women per year. A new longitudinal study within this same release revealed that 13 percent of all women—12 million, or 1 out of 8—have been victimized by forcible rape in their lifetime. Also, 6 out of 10—60 percent—of all rapes occur before the age of 18. Of all the rape victims across our country, only 16 percent—1 out of five—will report their rape.

At the beginning of National Crime Victims' Rights Week, or this past Sunday, the FBI also released statistics, theirs being the annual uniform crime reporting statistics. Based on an index of selected offenses, the uniform crime reporting figures measure changes in the level of crimes reported to law enforcement agencies across the country. Unfortunately, the number of serious crimes in the Nation rose 3 percent from 1990 to 1991. In fact, the index has shown increases since 1985—5 percent in 1985, 6 percent in 1986, 2 percent in 1987, 3 percent in 1988, and 2 percent in both 1989 and 1990.

Overall, violent crime rose 5 percent in 1991 as compared to 1990. Among the reported violent crimes, robbery showed the greatest increase, 8 percent. Murder was up 7 percent, and forcible rape and aggravated assault each increased 3 percent.

The property crime total increased 2 percent in 1991. Of the property crimes reported, burglary was up 3 percent; both larceny-theft and motor vehicle theft rose 2 percent. Arson showed no change.

Geographically, three of the four regions recorded increases in the crime index total, 1991 versus 1920. The Midwest reported a 4-percent rise, and the South and the West registered 3-percent upswings. The Northeast showed no change.

Both suburban county and rural county law enforcement agencies experienced increases in crime index offenses reported, 4 and 5 percent respectively. Cities outside of metropolitan areas recorded an upswing of 4 percent. By population size, the Nation's cities showed crime index increases of 4 percent in all groups except cities from 25,000 to 49,999, which recorded a 3-percent rise, and cities with 500,000 or more inhabitants, which showed no change. Final statistics will be released later this summer.

Of course, we all have heard the following basic crime statistics. Every 17 seconds, there is one violent crime, including: One murder every 22 minutes; one forcible rape every 5 minutes; one robbery every 49 seconds; and one aggravated assault every 30 seconds.

Also, every minute there are 25 thefts, 10 burglaries, and 9 assaults. Every day there are 1,400 children abused, 356 women raped, 64 people murdered; and 62 killed due to drunk driving. Every year one in four American households is victimized by a serious crime, and close to $15 billion is bled from the national economy by the predations of crime.

Remember, five out of six individuals in the United States will be the victims, or intended victims, of crime during their lifetimes. Some 35 million Americans are victimized by crime every year, 6 million Americans fall prey yearly to violent crime, and 23 million American families—that's one out of every four—were affected in 1988 by either a crime of rape, robbery, assault, burglary, household theft, or motor vehicle theft.

We can never forget that statistics are real people, not just numbers. No matter what one's political affiliation is, or to what ideology one subscribes, we are all concerned about the devastating impact crime has upon its victims and their families. The emotional scars from violent crimes can last a lifetime.

This year, we commemorate the 20th anniversary of the victims' rights movement. It still seems, however, that many Americans don't realize that such a movement exists. Also, crime victims do not know that the rights and services that do exist are insufficient in many areas. That is the reasoning behind my resolution, to enlist congressional and public support for the movement advocating victims' justice.

We have come a long way in the past 20 years. While there were only 3 victim service agencies in 1972, there are now 8,000 service programs nationwide. The number of organizations that have helped push victims' rights awareness is growing every year—and it is very diverse: AARP; American Probation and Parole Association; Concerns of Police Survivors; General Federation of Women's Clubs; International Association of Chiefs of Police; Mothers Against Drunk Driving; National Association of Crime Victim Compensation Boards; National Center for Missing and Exploited Children; National Child Advocacy Center; National Crime Prevention Council; National Committee for the Prevention of Elderly Abuse; National Organization for Victim Assistance; National Sheriffs' Association; National Victims Center; Parents of Murdered Children; and Spirited Dimension and Victims Services. This wide-ranging support is invaluable.

I have strongly supported measures in the Congress to protect the victims of crime rather than the perpetrators of crime. This annual National Crime Victims' Rights Week is valuable and necessary to promote the plight and rights of crime victims. It is my hope that the activity generated in this special week will translate into national support for passage of a crime bill that adds to the progress made thus far on behalf of crime victims. Hopefully, this Congress will craft a comprehensive crime bill in 1992 that will meet that definition. Only then will we put action behind our words.

Mr. RIDGE. Madam Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I am pleased to rise in strong support of House Joint Resolution 466, which designates the week of April 26, 1992, to May 2, 1992, as "National Crime Victims' Rights Week." I wish to commend the gentleman from Pennsylvania [Mr. GEKAS] for his efforts to bring this important issue before us and the Nation.

While we must strengthen our efforts to reduce crime through a combination of education, treatment, and law enforcement, we must never forget the victims of crime. As a recent Justice Department report noted, violent crime increased 3 percent last year; right here on Capitol Hill we have been witness to a number of violent and shocking criminal acts.

Madam Speaker, by supporting National Crime Victims' Rights Week, we help to make both the victims and the general public aware of the suffering crime victims must endure. In addition, victims and concerned citizens become aware of the many support organizations for victims of crime.

The Justice Department estimates that over 35 million Americans are victims of crime each year, while nearly one-fifth of these are violent crimes such as rape, assault, child abuse, drunken driving assault, and murder. It is victims of all crimes, but especially the victims of violent crimes, who must be educated as to their rights and to the means through which the often long lingering emotional and physical scars from violent crime may be treated and healed.

In addition, it is important that we honor crime victims who continue to persevere despite their losses, whether physical or emotional, and we must honor those advocates who dedicate time toward aiding the victims or crime. These advocates of crime victims stress the important point that all crime victims have equal rights, no matter what socioeconomic, religious, ethnic, or racial background they come from.

By designating the week beginning April 26, 1991, as "National Crime Victims' Rights Week," we take the important step of recognizing the victims of crime and of highlighting the importance of victims' rights and victims' treatment, both for the victims and for all American people.

Accordingly, Madam Speaker, I urge my colleagues to join in supporting this important legislation.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 466

Whereas almost 35,000,000 individuals in the United States are victimized by crime each year, with 6,000,000 falling prey to violence;

Whereas the victims of violent crime need and deserve quality programs and services to help them recover from the devastating psychological, physical, and emotional hardships resulting from their victimization;

Whereas 1992 marks the 20th anniversary of the combined efforts of crime victims, victim services providers, criminal justice officials, and concerned citizens to make victims' rights and services a reality in the Nation, and the 10th anniversary of the historic passage of the Victim and Witness Protection Act of 1982 by the Congress;

Whereas over the past 2 decades the road to justice for the victims of crime has been paved with the commitment, perseverance, and spirit of millions of victims who have proudly carried the banner of justice in our Nation; and

Whereas all Americans should join together to fight the continuing threat of crime and victimization by committing their individual and collective resources to crime prevention and victim services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 26, 1992, through May 2, 1992, is designated as "National Crime Victims' Rights Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 174) designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so to acknowledge Members who have asked to speak on this resolution. I yield to the gentleman from Ohio [Mr. SAWYER].

□ 1650

Mr. SAWYER. Madam Speaker, I thank my friend, the gentleman from Pennsylvania for yielding. I rise today on behalf of the sponsor of the measure, the gentleman from Florida, the Honorable DANTE FASCELL, who is unable to be with us to share with us his comments on this particular measure, but to thank him nonetheless for his efforts to bring it before us.

Mr. RIDGE. Madam Speaker, continuing my reservation of objection, I have been reminded that Republicans still do not have enough votes on that subcommittee. I am the ranking member, so I was pleased to yield to the chairman.

Continuing my reservation of objection, I yield to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise in strong support of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month." I commend the gentleman from Florida [Mr. FASCELL] for introducing this important measure.

Amyotrophic Lateral Sclerosis [ALS], more commonly known as Lou Gehrig's disease affects 5,000 people each year. This disease is always fatal, and its victims always suffer.

ALS was first discovered more than 100 years ago, and there is still no known cure or cause for this degenerative disease. This neuro-muscular disease is characterized by a deterioration of a select group of nerve cells and a pathway to the brain and spinal cord which leads to a progressive paralysis of the body's muscles.

This disease affects every muscle in its victim's body, from the loss of total movement of one's arms, legs, fingers, and toes, as well as the ability to speak, swallow, or breathe. People who suffer from ALS are often characterized as being a victim in one's own body, because the disease does not affect one's mental capacities.

ALS can strike anyone. Last year, researchers found the location and identified a gene responsible for one type of ALS. This has been the first major breakthrough in the search for a cure for this debilitating disease.

Madam Speaker, May 1992 marks the 51st anniversary of the death of Lou Gehrig who was a victim of ALS and one of our Nation's greatest major league baseball players. It is important that Congress raise the public's awareness of this horrible disease, so more can be done to halt its progress.

Accordingly, I urge my colleagues to support this joint resolution.

Mr. FASCELL. Madam Speaker, I rise in support of House Joint Resolution 318, to designate May, 1992, as "National Amyotrophic Lateral Sclerosis [ALS] Month." ALS is better known as Lou Gehrig's disease. Gehrig, a member of baseball's Hall of Fame who is best remembered for holding the all-time record of consecutive games played, was a victim of this physically debilitating disease which now bears his name.

ALS is characterized by a deterioration of a select group of nerve cells and the pathway to the brain and spinal cord which leads to progressive paralysis of the victim's muscles. This means that ALS patients lose total movement of their arms, legs, fingers, and toes as well as their ability to speak, breathe, and swallow. The average life expectancy of an ALS patient, once diagnosed, is 2 to 3 years. One of the most devastating aspects of this disease is the fact that one's mental capacities are never affected even while the rest of the body deteriorates.

Although ALS can strike anyone, the National Institutes of Health are finding that many victims are being stricken increasingly younger, with many in their teens and twenties. Under the age of 50, ALS strikes an equal number of men and women. However, once over 50 years of age, the ratio of men to women increases to 3-to-1.

In May 1991, an article in the New England Journal of Medicine reported both the location and identification of the gene responsible for one of the two types of ALS had been found. This is the first major breakthrough in the search for a cure for this debilitating disease.

I want to take a moment to thank our colleagues TOM SAWYER, the chairman of the

Subcommittee on Population and Census, TOM RIDGE, the ranking minority member of the Subcommittee on Population and Census, BILL CLAY, the chairman of the Post Office and Civil Service Committee, and BEN GILMAN, the ranking minority member of the Post Office and Civil Service Committee. I appreciate their support and assistance with this measure and I am certain that those interested in ALS appreciate their efforts as well.

During the month of May, the ALS Association will march on Washington and visit many of our offices. As a sign of our recognition of this disease and our support for finding a cure, I urge our colleagues to support House Joint Resolution 318.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 174

Whereas over 300,000 people alive today will eventually die from Amyotrophic Lateral Sclerosis ("ALS"), commonly know as "Lou Gehrig's Disease", which afflicts the motorneuron system of the human body;

Whereas at least 5,000 people will be diagnosed this year as having ALS, or an average of 13 cases per day;

Whereas there is still no known cause or cure for ALS despite the fact that the disease was discovered in 1869;

Whereas victims of this disease may lose total movement of their arms, legs, fingers, and toes, as well as the ability to speak, swallow, or breathe;

Whereas ALS patients have an average life expectancy of between 2 and 5 years after being diagnosed as having the disease;

Whereas wheelchairs, respirators, and feeding tubes are often necessary to assist those who outlive the average life expectancy;

Whereas the National Institutes of Health have found that victims of ALS are increasingly younger, with many in their 20's and 30's, and some mere teenagers;

Whereas ALS strikes people regardless of race, sex, age, or ethnicity;

Whereas the number of male victims of ALS under the age of 50 equals the number of female victims, but over the age of 50, male victims outnumber female victims by a ratio of 3 to 1;

Whereas finding the causes of, and the cure for, ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives;

Whereas 1992 marks the 51st anniversary of the death of one of America's greatest baseball players, Lou Gehrig, for whom the disease was named; and

Whereas raising public awareness of this disease will facilitate the discovery of a cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992, is designated as "National Amyotrophic Lateral Sclerosis Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WEEK FOR THE NATIONAL OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 371) designating May 31 through June 6, 1992, as a "Week for the National Observance of the 50th Anniversary of World War II" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so in order to yield to our colleague, the gentleman from Indiana [Mr. MYERS], the chief sponsor of this resolution.

Mr. MYERS of Indiana. Madam Speaker, I rise to speak on House Joint Resolution 371, a "Week for the National Observance of the 50th Anniversary of World War II." This legislation designates the week of May 31 through June 6, 1992, as the commemorative week.

The 50th anniversary observance began last year and events and activities will be taking place all over the world during this year and in 1993 and 1994. I introduced this bill for a second year because World War II was a central event of the 20th century and as this century draws to a close it is important to remind all Americans of the many men and women who bravely fought for democracy and freedom.

War is not a cause for celebration and this resolution does not celebrate World War II or any war. This legislation commemorates the United States' involvement in the war and serves to recognize the people who fought for freedom. I have stories I could recount about my time in the Army over in Europe and anyone who lived through that period of time has stories about our Nation's involvement in the war. These stories should be retold, especially to the younger generations, who may only know about World War II from their history books.

The commemorative week includes the June 6 D-day landing, the historic day when the Allied forces began the invasion of France. Also included is June 4 which is the date of the Battle of Midway. A "Week for a National Observance of the 50th Anniversary of World War II" lends support to the many people across America who are planning reunions or organizing conferences and special events.

The senior Senator from Kansas, who is a World War II veteran, has again sponsored this legislation in the Senate and I appreciate his fine efforts. I urge the passage of this measure and also appreciate the effort of so many Members of Congress who have supported this commemorative legislation to bring attention to the 50th anniversary of World War II.

Mr. RIDGE. Madam Speaker, continuing my reservation of objection, I yield to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I rise in strong support of House Joint Resolution 371, to designate the week of May 31, through June 6, 1992, as "Week for the National Observance of the Fiftieth Anniversary of World War II," and I wish to commend the gentleman from Indiana [Mr. MYERS] for bringing this important resolution before us.

Madam Speaker, World War II shaped the political framework of the world for over 45 years. This framework pitted East against West, democracy against communism. It has only been in the last few years that the nations of Eastern Europe, subjected to the heavy yoke of communism, have shaken their burdens and embraced democracy and the free exchange of goods and ideas.

Madam Speaker, while there are those of us who have experienced the horrors of war first hand, many Americans today are poorly informed of the tremendous upheavals, the tragedies, the atrocities, and the causes of World War II. How many Americans are aware that over 400,000 servicemen and women gave their lives, on the fields and in the forests of northern Europe, on the seas, in the steamy jungles of Asia, in the air and ground battles in our fight against tyranny and oppression? How many are aware of the immense destruction, of the revolutions, of the migrations this war caused?

As the wave of democracy sweeps through once oppressed countries, bringing hope along with great challenges, it is the duty of those of us who did experience the events of those years to pass on to future generations the lessons we learned; it is the duty of those of us who experienced life and combat during total war, who appreciate the horrors of total war, to ensure that the present and future generations never allow it to happen again.

It also remains to those of us who live through the war to ensure that America remains strong in its defense, steadfast in its support of freedom and democracy. Only those of us who witnessed the horrors of the Holocaust and the devastating inhumanity of ruthless totalitarianism can understand the need for human rights.

Mr. Speaker, I believe it is fitting that June 4, 1992, the anniversary of the Battle of Midway, and June 6, 1992, the anniversary of D-Day, fall within the week which this measure would designate as a week of national observ-

ance of the 50th anniversary of World War II. At the Battle of Midway, American naval forces turned the tide of the war in the Pacific, and never looked back, while on June 6, 1944, the long-awaited invasion of Europe took place, as Allied forces stormed the beaches at Normandy, establishing a foothold on the Continent that they would never relinquish.

In closing, Madam Speaker, I wish to emphasize the importance of keeping alive the memory and the lessons of World War II. It is the duty of those who have experienced total war to make certain that it never occurs again, by educating the younger generations and by not permitting the conditions that led to World War II to occur again.

Mr. RIDGE. Madam Speaker, continuing my reservation of objection, I want to thank and congratulate our colleague, the gentleman from Indiana [Mr. MYERS] for his sponsorship of this resolution.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 371

Whereas the brave men and women of the United States of America made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million American veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1992, marks the anniversary of the Battle of Midway, and June 6, 1992, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 31, 1992, through June 6, 1992, is designated as a "Week for the National Observance of the 50th Anniversary of World War", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INFANT MORTALITY AWARENESS DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 425) to designate May 10, 1992, as "Infant Mortality Awareness Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

□ 1700

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so first to acknowledge the work of our colleague, the gentleman from Alabama [Mr. HARRIS], who is the chief sponsor of this joint resolution.

Madam Speaker, further reserving the right to object, I yield to my friend and colleague, the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I want to express my gratitude and appreciation to Messrs. SAWYER and RIDGE on the House Post Office and Civil Service Committee for their support in bringing to the floor this evening, House Joint Resolution 425, which would designate May 10, Mother's Day, as "Infant Mortality Awareness Day."

I also want to take this opportunity to commend my colleague, CLAUDE HARRIS, who has been the primary sponsor of this legislation for the last 3 years. His leadership in this area has been outstanding, both on the House Energy and Commerce Committee and the House congressional Sun Belt task force on infant mortality.

Since 1989, I have served as the cochairman of the infant mortality task force, with my good friend, ROY ROWLAND. All task force members are personally committed to lowering our Nation's infant mortality statistics. The infant mortality task force serves as a clearinghouse for information on the infant morality issue—in the past, the task force has held informational seminars on issues surrounding infant mortality, such as medical malpractice and early child development.

The task force also arranged for its members to discuss their concerns with Health and Human Services Secretary Louis Sullivan about the alarming infant mortality statistics in the Sun Belt region. These sessions, in my opinion, have been instrumental in raising awareness among Members of Congress on the importance of adequate prenatal and postnatal care.

According to the National Commission to Prevent Infant Mortality, out of 24 industrialized countries, the United States ranks 22nd in infant mortality statistics. Only two countries have higher infant mortality rates than our Nation. While the United States has seen some progress in lowering infant mortality statistics, Madam Speaker, we have a long way to go.

The Sun Belt region of our country has the highest infant mortality rates in the Nation. As cochairman of the Sun Belt caucus' task force on infant mortality, I feel it is the duty of Congress to raise public awareness and encourage solutions at all levels of government—Federal, State, and local.

We can begin by making nutrition services and prenatal and postnatal care accessible to all pregnant women. Some women are intimidated by the numerous forms they are required to fill out, or the many offices they must visit. I believe centralizing these services through programs such as one-stop shopping would be the answer for those pregnant women desiring assistance but not knowing were to begin.

To resolve the problem of access, I have introduced legislation with my cochairman, ROY ROWLAND, and a number of my colleagues from the Sun Belt caucus, that is designed to expand access to obstetric services, particularly in medically underserved areas.

H.R. 3089, the Access to Obstetrical Care Act, will provide funds for a number of Medicaid demonstration projects designed to increase access to obstetrical care for women in medically underserved areas.

These demonstration projects will enable States to design and implement projects sensitive to their particular needs. Improved access to health care will result, hopefully, in lower infant mortality rates.

The demonstration projects may address several access issues, including expediting and enhancing reimbursement for obstetric providers. Skyrocketing malpractice premiums have forced many family practitioners to discontinue obstetric services and prompted many to refuse to accept Medicaid recipients as patients. These developments have severely restricted the availability of obstetric services to many women.

The bill will also amend the Public Health Service Act to provide protection for legal liability to employees of community and migrant health centers; these centers are important sources of health care to the poor and underserved. I believe this legislation could lower our country's disturbing infant mortality statistics, thus saving the lives of many infants.

If we could encourage all pregnant women, through community service and education, to utilize prenatal and postnatal care programs, not only will we have healthier babies but we will also have healthier mothers. Mother's Day is an appropriate time to reflect

on our Nation's infant mortality rates. Hopefully, our discussion on infant mortality will send a message to all Americans on the importance of this issue to Members of Congress.

Mr. RIDGE. Madam Speaker, further reserving the right to object, I yield to my colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of House Joint Resolution 425. A joint resolution designating May 10, 1992, as "infant mortality awareness day." I would like to commend the gentleman from Alabama [Mr. HARRIS] for introducing this important measure.

While most children who are born remain healthy, far too many are vulnerable to problems that lead to serious illness, disability, and even death. The United States has the knowledge and the tools to save children's lives and improve their physical and mental health. Yet in recent decades, the Nation's progress in improving child health has not kept pace with scientific knowledge and health care technology.

America's health care system is in a crisis. Many Americans are effectively denied health care because they have no way to pay their medical bills or because services are not accessible. This neglect is most troubling in the case of pregnant women and children, who cannot get care on their own, and for whom the lack of access to health care can lead to unnecessary illness, disability, and death, as well as unnecessary financial costs.

Although the United States is among the wealthiest of nations, when it comes to providing basic health care to pregnant women and children, our Nation fails miserably. The United States' infant mortality currently rates 21st in the world. Every year, 40,000 babies born in America die before their first birthday.

The President developed the healthy start initiative, last year, which is designed to reduce infant mortality and improve maternal and infant health and well-being by targeting communities with high infant mortality rates and directing resources and interventions to improve access to, utilization of, and full participation in comprehensive maternity and infant care services.

Madam Speaker, it is time for Congress to make our children our No. 1 priority. We need to reduce infant mortality rates to an all time low.

Accordingly, I urge my colleagues to support this important measure.

Mr. ERDREICH. Madam Speaker, there is nothing so tragic as the needless death of an innocent, helpless child. Yet, this year alone, 38,000 helpless children will die before reaching their first birthday due to lack of adequate prenatal care. Tens of thousands more will suffer permanent complications resulting from low birthweight. Thousands more will be born addicts to crack cocaine, alcohol, or other deadly drugs.

The tragedy of infant mortality is not new to this Nation. On the contrary, for the past several years the United States has consistently ranked behind more than 20 other industrialized nations in the rates of annual infant deaths within the first 28 days of life. Despite the fact that we are world leaders in technology and medical research and despite the fact that we spend more per capita on health care, the United States continues to lag behind in decreasing this rate.

My home State of Alabama is particularly hard-hit by infant deaths, and as a member of the congressional sunbelt caucus task force on infant mortality, I have long been interested in finding a solution to this problem. In 1988, I asked a congressional committee to hold a hearing in my own district of Jefferson County to shed light on the causes of these deaths. In so doing, we have discovered that Alabama's high infant mortality rate is directly linked to the high percentage of women who receive inadequate or no prenatal care.

In 1987, Congress established the National Commission To Prevent Infant Mortality and that group is leading the way toward reversing this distressing trend. My colleagues and I have also worked to pass the Health Birth Act as part of the maternal and child health block grant, we have initiated the Healthy Start Program, and we have increased eligibility of pregnant women and their children under the Medicaid Program. All of these actions have been taken to help women who cannot afford adequate prenatal care.

Still, our legislative efforts are to no avail if we do not succeed in increasing public awareness of this ongoing problem. We must reach directly into the community to educate, to inform, and to prevent these deaths from continuing.

It is only fitting that we use Mothers' Day, May 10, 1992, to remember those children who have not survived in the past and, more importantly, to enable thousands more to survive to see another Mothers' Day again in the future.

Mr. HARRIS. Madam Speaker, as chief sponsor of House Joint Resolution 425, I am pleased to be given this opportunity to address the House.

House Joint Resolution 425 designates May 10, 1992, as "Infant Mortality Awareness Day." This designation is part of my efforts to educate more Americans about our Nation's deplorable infant mortality rate. In the past year, our national rate of infant mortality has improved. According to the National Commission on Infant Mortality, there were 9.8 deaths per one thousand live births in 1989. It is my hope that this year, our Nation will continue this steady progress.

I am, however, mindful that each death of a child represents not only a personal tragedy for a family, but also the loss of the potential achievement of that individual for our Nation. No one wants their child to die. Early, regularly scheduled prenatal care is one of the easiest methods to lower the incidence of infant mortality. It is always better to encourage pregnant women to seek prenatal care, than to care for prematurely born infants in a hospital setting.

In my home State, Alabama, we have one of the highest infant mortality rates in our country. In fact, during the past 5 years, the rate in Alabama has exceeded that of many Third World nations. It is my hope that this measure will encourage more individuals in my State and elsewhere to dedicate themselves to saving infants and their mothers. In a Nation of such immense wealth, it is disturbing that so many babies continue to die needlessly.

I also want to take this opportunity to express my sincere gratitude to several Members of Congress who contributed to the success of this project. Chairman Sawyer of the Subcommittee on Census and Population was instrumental in obtaining expedited review of the legislation. Congressman J. ROY ROWLAND and MICHAEL BILIRAKIS, cochairman of the task force on infant mortality in the sunbelt caucus, dedicated personal time to this effort. With their help, the goal of more than 218 cosponsors was achieved within several legislative days. I would also like to thank the staff of the sunbelt caucus for their assistance.

It is my hope that passage of this measure will remind us all of what must be done to ensure the birth of healthy babies to healthy mothers. During this year's Mother's Day, I hope more people will be mindful of how important the birth of healthy babies should be to all of us.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 425

Whereas, in 1989, the infant mortality rate in the United States decreased from 10.0 to 9.8 infant deaths per 1000 live births;

Whereas, despite such decrease, nearly 38,000 infants in the United States will die in 1992 before they reach their 1st birthday;

Whereas thousands of infants will suffer lifelong disabilities resulting from low birthweight and other complications;

Whereas thousands of pregnant women, especially low-income women, cannot receive adequate prenatal care because they lack access to providers of obstetrical care;

Whereas infant mortality is a widespread problem which afflicts both urban and rural areas in all geographic regions of the United States;

Whereas the number of births to teenage mothers, who have a greater risk of giving birth to sick infants, has increased by 20 percent in the last 3 years;

Whereas the high number of deaths, disabilities, and illnesses among infants in the United States is deplorable; and

Whereas expectant parents in the United States should work toward the birth of healthy babies: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 10, 1992, is designated as "Infant Mortality Awareness Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was

read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC SERVICE RECOGNITION WEEK

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 430) to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, I do so first of all to acknowledge the work of our colleague, the gentleman from Virginia [Mr. MORAN], who is the chief sponsor of this joint resolution.

Madam Speaker, I yield to our colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding.

I rise in strong support of House Joint Resolution 430 which designates the week of May 4–10, 1992 as "Public Service Recognition Week," and I commend my good friend, the gentleman from Virginia [Mr. MORAN], for introducing this legislation.

Madam Speaker, as the ranking Republican on the House Post Office and Civil Service Committee it gives me great pleasure to join with my colleague today in congratulating the dedicated men and women who have chosen a career in public service. Public employees have always been and continue to be an integral part of the American work force. The importance of their total commitment and outstanding skills cannot be overstated. Public employees hold an important part of our public trust and perform a vital service to all Americans each day. They have invested many years developing the expertise and experience necessary to ensure that our needs, which are so often taken for granted, are met in the most efficient way possible.

Madam Speaker, in recent years public employees have taken the brunt of criticism aimed at the Government. There have been repeated attempts to cut pay and benefits while their salaries lag 25 percent behind the private sector. Yet, Madam Speaker, our public employees find Government service to be an honorable and rewarding career and continue to serve our country with dedication and distinction.

Madam Speaker, "Public Service Recognition Week" provides the American people and this body with the opportunity to thank the men and women in public service, as well as to acknowledge their contributions to our Nation. Good government is a reflection of the men and women who make it that way, and I am grateful that so many qualified men and women have chosen careers in public service. According, I urge my colleagues to join me in supporting this legislation.

Mr. YATRON. Mr. Speaker, I rise today to ask my colleagues to join me in commemorating "Public Service Recognition Week," which is May 4–10, 1992.

"Public Service Recognition Week" gives us all a chance to express our appreciation for the outstanding contributions made by Government employees. I salute the 9 million city and county employees, the 4 million State government employees and the 4 million Federal Government employees. Millions of Americans are helped every day through the fine work of Government workers. It is the work of these public servants that allows our great Nation to operate.

I ask all of my colleagues to join me in paying tribute to America's public service employees. I would like to thank them, on behalf of all Americans, for the great job that they do and wish them the greatest success in the future. I am sure that they will continue the high level of public service that American citizens have become accustomed to.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 430

Whereas public employees at every level of government faithfully serve their fellow Americans, and there are now nine million employees in city and county government, four million employees in State government, and over four million Federal civilian and military employees;

Whereas Americans are aware of the many contributions public employees have made to the quality of their lives, in occupations that run the gamut from astronauts to zoologists, including scientists, police officers, teachers, doctors, forest rangers, engineers, food inspectors, researchers, and foreign service agents, among others;

Whereas the Nation should value a professional civil service whose highest principle is one of patriotism, whose foremost commitment is to excellence, and whose experience and expertise are a national resource to be used and respected;

Whereas the millions of workers who serve the Nation are men and women of knowledge, ability, and integrity who deserve to be recognized for their dedicated service; and

Whereas designating a week to honor these employees will provide a dual opportunity to pay tribute to our public employees and importance of public service, including the range of employment opportunities available to our young people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 4 through May 10, 1992, is designated as "Public Service Recognition Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1710

NATIONAL FOSTER CARE MONTH

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 388) designating the month of May 1992, as "National Foster Care Month" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Madam Speaker, reserving the right to object, we do so simply to acknowledge the good work of our colleague, the gentleman from California [Mr. MATSUI], who is the chief sponsor of this resolution. Certainly we support his efforts on this side of the aisle.

Mr. MATSUI. Madam Speaker, I rise today to thank the 221 Members who have joined me in cosponsoring House Joint Resolution 388, designating May 1992 as "National Foster Care Month." By passing this resolution we are demonstrating our support for foster care families who continue to make our children a national priority.

Over 250,000 foster families across the Nation have opened their homes and their hearts to thousands of young children who do not have the benefit of a traditional family and a nurturing home. These families offer many children, who would otherwise fall through the cracks, the emotional support they need to grow up and reach their highest potential.

In the past decade a dramatic increase in the number of children entering the foster care system has made the role of the foster family even more essential. Foster care caseloads rose from 280,000 to 360,000 between 1986 and 1989. This increase has put tremendous stress on the foster care system and increased awareness of its role is critical for its continued success.

By passing this resolution we are not only paying tribute to foster families, we are also providing an opportunity to bring extra attention to hundreds of thousands of children who need the guidance and love that only a family environment can provide. There are many worthwhile causes in our country, but those that address the needs of our children are among the most important. Foster care families deserve our highest commendation for providing quality home care and guidance to our youth.

Madam Speaker, I would like to thank Chairman SAWYER of the Subcommittee on Census and Population, the cosponsoring Members, and the organizations that have

supported House Joint Resolution 388. It is their support that has given us this opportunity to pay tribute to all those who lend their hearts and homes to the Nation's most vulnerable citizens.

Mr. RIDGE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 388

Whereas today there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their homes and family lives to foster children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May 1992: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992, is designated as "National Foster Care Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed, and read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask, unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the various joint resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISTRICT OF COLUMBIA GOVERNMENT'S 1993 BUDGET REQUEST AND 1992 BUDGET SUPPLEMENTAL REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-325)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 budget request and 1992 budget supplemental request.

The District of Columbia Government has submitted two alternative 1993 budget requests. The *first alternative* is for $3,311 million in 1993 and includes a Federal payment of $656 million, the amount authorized and requested by the D.C. Mayor and City Council. The *second alternative* is for $3,286 million and includes a Federal payment of $631 million, which is the amount contained in the 1993 Federal budget. My transmittal of this District budget, as required by law, does not represent an endorsement of the contents.

As the Congress considers the District's 1993 budget, I urge continuation of the policy enacted in the District's appropriations laws for fiscal years 1989-1992 of prohibiting the use of both Federal and local funds for abortions, except when the life of the mother would be endangered if the fetus were carried to term.

GEORGE BUSH.

THE WHITE HOUSE, *April 30, 1992.*

TIME TO STREAMLINE GOVERNMENT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extensions material.)

Mr. PANETTA. Mr. Speaker, it is no secret that the American people are upset with their government. Most Americans feel that government simply is not working. Much of their anger is directed at the most visible elements of government—the President and their elected representatives in the House and Senate. But there is also a very strong feeling that the mechanisms of government do not work—that the departments and agencies that carry out the law and implement programs are unresponsive to the needs of our people.

My constituents have come to me more and more in recent years with complaints about inaction, insensitivity, and incompetence by the Federal bureaucracy. Today, when an individual deals with the Federal Government, he far too often encounters delays or is put on a bureaucratic merry-go-round. He is told he is in the wrong building, or he is directed to the wrong room. Social Security checks are frequently lost or delayed, and records that should be readily available in this computerized age cannot be found. The list goes on and on, and it expands every time I have an opportunity to talk with constituents.

In addition to the problems faced by individual Americans, a Budget Committee staff study that I directed found that over the past decade or more there has been widespread mismanagement in the executive branch. The study, entitled "Management Reform: A Top Priority For the Federal Executive Branch," revealed that mismanagement was not an isolated phenomenon. In fact, management problems emerged in major departments, independent agencies, Government corporations, and Government-sponsored enterprises. That study indicated that over $100 billion has been lost or drained from the Treasury as a result of mismanagement just in the cases our staff studied. Clearly, mismanagement in the executive branch is a major, costly problem. I have introduced legislation to create a separate Office of Federal Management in an effort to address that problem.

Finally, there is widespread duplication of services in the executive branch. We experience the problem here in Congress when we seek to focus on a particular issue and must deal with several departments and agencies. Individual Americans face the same problem. In areas ranging from education to safety to environmental protection, duplication makes it extremely difficult, if not impossible, to target resources and direct attention for the maximum efficient result.

There is, of course, no perfect organization structure to guarantee effectiveness and efficiency. But there is a widespread belief that consolidation of the major departments—except State, Defense, Justice, and Treasury—would make it possible to target resources in a cost-effective manner. I believe consolidation of departments in the executive branch and an investigation of other Government functions, especially independent regulatory agencies, can lead to a better system of executive management. This was a conclusion reached by the Budget Committee in our report entitled "Restoring America's Future: Preparing the Nation for the 21st Century."

For all of these reasons, I am today introducing legislation to establish an Executive Branch Commission to begin a broad reorganization of the executive branch of our Federal Government.

Under my legislation, the commission would prepare a plan within 6 months which the President would be required to implement soon thereafter by Executive order.

The plan would do the following:

First, consolidate executive cabinet-level departments from 14 down to 8 and improve the structure of the cabinet;

Second, reorganize independent agencies and Government corporations;

Third, improve the structure of the executive office of the President for conducting oversight of the executive branch is in order to improve executive branch management;

Fourth, determine what functions being performed by the Federal Government should be performed by the private sector or by State and local governments; and

Fifth, establish criteria for use by the President and the Congress in evaluating proposals for changes in the structure of the executive branch.

In addition to submitting this plan, the commission would submit a report to the President outlining legislative changes necessary to implement its recommendations. The President, in turn, would transmit to Congress a report containing the proposed legislative changes.

The commission would have as one of its goals a 5-percent reduction in the total number of Federal employees.

The seven-member commission would be made up of the Secretaries of State, Defense, and Treasury, the Attorney General, the Director of the Office of Management and Budget, and two other executive branch officials appointed by the President.

Mr. Speaker, this is a controversial subject. We will hear from some that reorganization will make government less efficient, not more. Some have legitimate concerns, and there is no doubt about the need to make sure that this exercise is carried out responsibly and constructively. I think the composition of the commission assures that that will be the case.

But many of the objections will come from those seeking to protect some of the sacred cows that many people in Washington earn a living defending. We in the Congress ought to ignore such cries of anguish. We owe it to the American people to make their government as effective and as efficient as it can possibly be.

Mr. Speaker, there is growing support in the Congress for reorganizing our own structure. And we should. But that is the tip of the iceberg. If we ignore the need for executive branch reorganization, the vast iceberg of mismanagement and overgrown bureaucracy that lies below the sea will surely sink us. By passing this legislation, we can begin the process of addressing one of the most serious problems facing the American people.

Following is the text of my legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Executive Organization Act".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "Commission on Executive Organization" (hereinafter in this Act referred to as the "Commission").

SEC. 3. FUNCTIONS OF COMMISSION; REPORT; IMPLEMENTATION OF RECOMMENDATIONS.

(a) FUNCTIONS.—The Commission shall examine and make recommendations with respect to an effective and practicable organization of the executive branch of the Federal Government, including recommendations regarding—

(1) criteria for use by the President and the Congress in evaluating proposals for changes in the structure of the executive branch of the Federal Government, including criteria for use by the President and the Congress in evaluating and overseeing Government-sponsored enterprises, Government corporations, and independent agencies;

(2) the organization of the executive branch into not more than 8 departments, which shall include the Department of State, the Department of the Treasury, the Department of Justice, and the Department of Defense;

(3) the reorganization of independent agencies and Government corporations;

(4) the most effective and practicable structure of the Executive Office of the President for conducting oversight of the executive branch, and criteria for use by such Office in evaluating and overseeing the performance of the executive branch;

(5) the most effective and practicable structure of the President's cabinet and means of operation of such cabinet, including recommendations concerning the number, composition, and duties of the members of such cabinet; and

(6) functions being performed by Federal Government agencies as of the effective date of this Act that should be performed by State or local agencies or by the private sector.

The Commission shall seek to reduce the total number of individuals employed by the Federal Government by 5 percent within 5 years after the effective date of this Act.

(b) REPORT.—The Commission, by not later than 6 months after the completion of appointment of the members of the Commission, shall submit a report to the President which contains a detailed statement of—

(1) its recommendations under subsection (a); and

(2) legislative changes necessary to implement such recommendations.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—

(1) EXECUTIVE ORDER.—The President, by as soon as practicable after the date of the receipt by the President of the Commission report under subsection (b), shall issue an Executive order which implements the recommendations made in the report.

(2) REPORT TO CONGRESS.—The President, by not later than the date the President issues an Executive order under paragraph (1), shall transmit to the Congress a report containing the recommendations for legislation submitted by the Commission under subsection (b)(2).

SEC. 4. MEMBERSHIP OF COMMISSION.

(a) IN GENERAL.—The Commission shall consist of 7 members, as follows:

(1) The Secretary of State.

(2) The Secretary of the Treasury.

(3) The Attorney General of the United States.

(4) The Secretary of Defense.

(5) The Director of the Office of Management and Budget.

(6) 2 members appointed by the President from among other officials in the executive branch of the Federal Government.

(b) COMPLETION OF APPOINTMENTS.—The President, by not later than 30 days after the effective date of this Act, shall complete appointment of members of the Commission pursuant to subsection (a)(6) and identify those appointees to the Congress.

(c) CHAIRMAN.—The President shall designate a member of the Commission to be its Chairman.

SEC. 5. RESTRICTION ON PAY, ALLOWANCES, AND BENEFITS.

A member of the Commission shall receive no pay, allowances, or benefits by reason of his or her service on the Commission.

SEC. 6. POWERS OF COMMISSION.

(a) MEETINGS.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, as the Commission considers appropriate.

(b) RULES.—The Commission may adopt such rules as may be necessary to establish procedures and to govern the manner of the operation, organization, and personnel of the Commission.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any department, agency, or other instrumentality of the Federal Government such information as the Commission may require for the purpose of carrying out this Act. The head of such department, agency, or instrumentality shall, to the extent otherwise permitted by law, furnish such information to the Commission upon request made by the Chairman.

(2) FACILITIES, SERVICES, AND PERSONNEL.—Upon request of the Chairman of the Commission, the head of any department, agency, or other instrumentality of the Federal Government shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such department, agency, or instrumentality available to the Commission; and

(B) detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the duties of the Commission under this Act.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(e) CONTRACTS FOR RESEARCH AND SURVEYS.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the duties of the Commission under this Act.

(f) EXECUTIVE DIRECTOR AND STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may appoint, terminate, and fix the pay of an Executive Director and of such additional staff as the Chairman considers appropriate to assist the Commission. The Chairman may fix the pay of personnel appointed under this subsection without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to the number or classification of employees and to rates of pay), the provisions of such title governing appointments in the competitive service, and any other similar provision of law; except that no rate of pay fixed under this subsection may exceed a rate equal to the rate of pay payable for grade GS–18 of the General Schedule under section 5332 of such title.

SEC. 7. APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.

The Commission shall be an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 8. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 30 days after the date on which the Commission submits the report required under section 3(b).

SEC. 9. PREPARATION FOR THE COMMISSION.

Not later than 90 days after the effective date of this Act, the Comptroller General of the United States, the Director of the Congressional Research Service, the Director of the Congressional Budget Office, and the Director of the Office of Technology Assessment shall each submit to the Commission an index to, and synopses of, materials on executive organization that such official considers useful to the Commission. Subject to laws governing the disclosure of classified or otherwise restricted information, such materials may include reports, analyses, recommendations, and results of research of such organizations.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission not more than $1,500,000 for carrying out this Act.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on February 1, 1993.

IMPLEMENTATION OF THE RULE OF LAW

Mr. DREIER of California. Mr. Speaker, shock, frustration, and, yes, even anger are understandable feelings following the announced verdict in the Rodney King beating trial that took place yesterday in southern California.

I represent Los Angeles County, and I have to say that when we look at what has transpired since that ruling it has been embarrassing, tragic, and sad. There are people who, as I said, understandably are very unhappy with that verdict, but at the same time we must recognize that this Congress and the United States of America have tried to encourage worldwide the implementation of the rule of law, and it is apparent that with the developments that we have witnessed over the past 24 hours that the rule of law has been thrown out the window.

We have now observed the terrible riots that have expanded from southern California to Atlanta and New Orleans, and it seems to me that we are at a point today where, rather than increasing the level of intensity, now is the time for us to quietly look at a way in which we can deal with this very serious problem.

Attorney General William Barr and President Bush have stepped forward to ensure that the constitutional rights of Rodney King were not violated, and they desperately want to see whatever violations have taken place to be rectified.

Mr. Speaker, it seems to me that now we have to, as a model for the world, do everything that we can to work to bring about calm, and there are unfortunately many people who are doing the opposite. There are many people who have been inciting the actions which we have witnessed.

So I am imploring the people whom I represent in California and those around the Nation to try desperately to be as calm as possible and to see if we cannot bring about a peaceful resolution to what is clearly a very serious problem.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING ALLOCATIONS FOR APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, section 603 of the Congressional Budget Act, as amended by the Budget Enforcement Act of 1990, requires the chairman of the Committee on the Budget to submit to the House a spending allocation for the Committee on Appropriations if Congress has not completed action on the budget resolution by April 15.

The House passed its budget resolution on March 5, and the Senate passed its budget resolution on April 10. However, differences between the two resolutions still need to be resolved in conference. Therefore, pursuant to section 603 of the Congressional Budget Act, I hereby submit the section 602(a) allocation for the House Committee on Appropriations:

[In millions of dollars]

	New budget authority	Outlays
Mandatory programs	247,301	235,598
Discretionary programs	517,922	542,698
Total	765,223	778,296

As required by the act, the allocation is consistent with the discretionary spending limits—appropriation caps—contained in the President's Budget. I am attaching an explanation of these figures, prepared by the staff of the Budget Committee.

Finally, I wish to remind you that, as a matter of policy, House Concurrent Resolution 287 as adopted by the House assumes funding levels that are below the appropriation caps by $14 billion in discretionary new budget authority and $9 billion in outlays for the defense category and by $597 million in new budget authority in the international category. The conference agreement on the budget resolution will establish the ultimate level of the total allocation. I expect that a conference agreement can be reached before the Appropriations Committee is permitted to bring bills to the floor after May 15. Therefore, it is likely that the figures in this allocation will be superseded and reduced before they become fully effective.

EXPLANATION OF ALLOCATION UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT

The allocation meets the requirements of the Congressional Budget Act and the Balanced Budget and Emergency Deficit Control Act.

As required by Section 603, for all three categories of discretionary programs (defense, international, and domestic), the amount to be allocated is computed by starting with the caps as stated in the "preview report" prepared by the Office of Management and Budget (OMB) and included in Part Four of the February supplement to the Budget of the United States Government, Fiscal Year 1992.

To those amounts are added the special budget authority allowances described in Sections 251(b)(2)(E) (i) and (ii) of the Balanced Budget and Emergency Deficit Control Act. These amounts will, by law, cause an upward adjustment of the caps by the end of this session of Congress. By including them, the allocation will be consistent with the figures that will be used for fiscal year 1993 sequester calculations. (Also, it should be noted that the special budget authority allowance is explicitly permitted to be included in budget resolutions under Section 606(d)(1) of the Congressional Budget Act.)

The special budget authority allowance is a specified percent of the total end-of-session caps, for all three categories over all three years (fiscal years 1991 through 1993). The specified figure is 0.079 percent for the international category and 0.1 percent for the domestic category. The end-of-session caps to which these percents are applied are OMB's caps plus adjustments for 1) the $183 million in new budget authority requested by the President for the fiscal year 1993 IRS "hold harmless increment"; 2) the $107 million supplemental appropriation of new budget authority for the SBA disaster loan program, included in the recent continuing resolution for foreign assistance and designated as an "emergency", and 3) the $12,314 million in new budget authority for the IMF quota increase requested by the President for fiscal year 1992.

The three items just listed cause an upward adjustment to the end-of-session caps; these "hold-harmless" adjustments are specified in Sections 251(b)(2)(A), (C), and (D) of the Balanced Budget and Emergency Deficit Control Act. While they are assumed for purposes of computing the special budget authority allowance, they are not directly included in this allocation. Section 606(d)(2) of the Congressional Budget Act holds harmless for these three items by providing that any such funding may not be counted for purposes of the Congressional Budget Act.

This computation of the discretionary caps for purposes of the Congressional Budget Act was used by CBO in computing its current estimate of the maximum deficit amount and by both the House and Senate Budget Committees in computing the caps applicable to the fiscal year 1993 budget resolution.

For mandatory programs funded by the Appropriations Committee, the amount allocated equals CBO's current estimate of the fiscal year 1993 baseline level of those programs.

FURTHER DETAIL REGARDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1993

[In millions of dollars]

	Budget Authority	Outlays
Mandatory programs:		
Current level (existing law)	245,149	234,589
Assumed legislation (in baseline)	2,152	1,009
Subtotal	247,301	235,598
Discretionary programs:		
Defense	289,035	296,839
International	22,758	20,591

FURTHER DETAIL REGARDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1993—Continued

[In millions of dollars]

	Budget Authority	Outlays
Domestic	206,129	225,268
Subtotal	517,922	542,698
Appropriations Committee total	765,223	778,296

□ 1720

NORTH AMERICAN FREE-TRADE AGREEMENT—PRISON LABOR IN MEXICO

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I am fully cognizant of the fact that some of my colleagues are waiting here on their own special order, I believe, that was postponed from last night. However, it is not my intention to stay here anywhere near 60 minutes. But I do think it is essential that I no longer postpone reporting to the House and the colleagues a very troubling development.

Mr. Speaker, this particular situation I have in fact discussed and solicited the cooperation and help of one of our distinguished colleagues, the gentlewoman from Ohio [Ms. KAPTUR], who is here on her own special order, and also two other Members who I understand did make contact with the Commissioner of Customs.

Mr. Speaker, this has to do with the use of prison labor in Mexican prisons in employment and doing jobs for American corporations.

Now, under the laws that we have now, as I understand it and read it, the Customs would be bounden to make a negative decision on the permission requested by a lawyer in El Paso, across from Ciudad Juarez, where this particular prison labor enterprise is taking place.

Naturally, there is a pecuniary and financial interest on the part of that attorney, but I think that under the law, and one would think under the law, the plain letter of the law, that the Customs would decide almost immediately that they could not make an exception or give an exemption or allow the importation of those processed goods or labor services.

However, it seems that Customs has been about to give an affirmative decision, and I think that the only thing that held them up for a while was the fact that I intervened, when I was informed by virtue of one of my very young, and very, very active staffers on my district staff, who happens to be a highly prepared young man and probably one of the best research legislative assistants I have ever had the good fortune and blessing to count on the staff, and his deriving this information from another source in El Paso.

I immediately contacted and wrote, followed not only verbal contact but a written message to the Commissioner, protesting the fact that this was even being considered. Now, this is actually considered part of the enterprise that would be involved on top of the so-called Maquiladora enterprises that now consist of over 2,500, all up and down that 2,000-mile border between the United States and Mexico, from Brownsville/Matamoros to Calexico and way over to Baja California, across from the California border.

That now is a substantial enterprise that has subtracted thousands of jobs from the United States. As a matter of fact, in Cleveland alone we had a tremendous drainage of jobs that went directly to the Maquiladoras across the border. Now these are being dovetailed into what is now an ongoing process known as the North American Free Trade Agreement, Mexico, Canada, United States, or North American Free Trade Agreement. But it goes beyond that.

What I am speaking of today is just one little detail that has absolutely alarming proportions to me for the insidious insidiousness of this practice and what, once the door opened, it will lead to.

The main fault is that this House and the Senate passed the fast-track resolution which gives the President carte blanche to enter into trade agreements with over 150 nations if he so saw fit, but particularly targeting the North American Free Trade Agreement, so-called free trade agreement.

What that fast-track vote meant was that the House and the Senate will have no opportunity to review or amend whatever agreement President Bush enters into.

Now, in our decisionmaking levels, in the higher echelons of our power centers, it is not the concern for employment opportunities in Mexico and helping our neighbor, as we properly should, in the right fashions, elevate a disastrous level of existence where you have at least 40 percent inflation, almost that percentage of unemployment and potential disaster in the making not only for Mexico but for us.

After all, we are the next-door neighbor.

But I have always said that in order to prove that you are a good neighbor you do not have to give the family jewels away. It seems to me that what the full understanding of the so-called NAFTA, or North American Free Trade Agreement, would be, because it is not just free trade, it is free trade and finance. That means banks, and that is why I have been involved in the beginning and cast my negative vote on the so-called fast track resolution.

Behind all of this is the fact that Mexico has a very deeply rooted indebtedness to our private banks, one which is festering still, even though you hear talk about how it has been resolved. It has not. Mexico had to roll over even the interest payments, as well as other sovereign Latin American nations. These are what is known as sovereign debts. That is, they are debts on the part of a government of a country to not another sovereign country like the United States or the United States Treasury, but a private banking system. So the bankers actually stimulate, through their absolute power which they have over the producing and manufacturing corporate structure, to move into these areas like Mexico with the hope and the promise that whatever activity they generate will bring their estimate of $10 billion-a-year payment back on these bank debts. This is the untold story. I am reporting this, the fact of the use of prison labor in Mexican prisons is just one of the most dramatic and startling aspects of what is, obviously, a disastrous policy on the part of our Government and our private enterprise and our system.

The expendable factor all along, and for at least three decades, in America has been American labor. This has been the expendable. And what it means now is that we in the United States have sold off our inheritance for what I am sure will be an illusory mess of pottage.

In the case of this prison labor, I was amazed when I made the inquiry, half believing that maybe perhaps the information was faulty and that there was just some talk about the possibility, to find that the negotiations had gone pretty far and they were about to be approved. My inquiry and, I think, the inquiries made by other Members at my request kind of held up things.

□ 1730

But, as I understand it, Customs probably would be making a decision today, even as I am speaking in the well of the House this afternoon.

I am going to read, and I am going to place into the RECORD, my letters to the Honorable Carol Hallett who is a U.S. Commissioner of Customs, the letter to the editor of the San Antonio Express and News this week with respect to a story that they had picked up from the Associated Press which, in turn, had picked it up from the El Paso Times. I say that what this essentially is the use of slave labor. If my colleagues will read in the RECORD tomorrow when the RECORD is printed and delivered, they will find excerpts of the stories that have been written describing this particular enterprise that wish to provide the labor in Ciudad Juarez prison or pen. My colleagues will see that they are saying that this is a humanitarian effort. At no time when the attorney was asked on my prompting, "Well, what is the level of salary or

compensation that this prison labor gets?" The answer was, "I don't know."

But I do, and that is the reason I call it slave labor. At no time, even in the so-called private maquiladora; that is, these enterprises that have gone just across the border obviously to get around the standards of labor that we have in our country, and they do not even pay on an average $4 a day. That is average, but there are exceptions.

Now how in the world can American labor ever compete? How can that segment of our labor force that is in need of these manufacturing jobs in which unskilled labor performs its part compete with that kind of slave labor? It cannot, and we should not, and it is outrageous that we should even have to argue with the director of Customs about the impropriety of possibly approving this arrangement.

In my letter I am going to read excerpts. I said:

It has come to my attention that the U.S. Customs Service is about to decide whether to allow the importation of goods or services produced by prisoners at the CERESO facility in Juarez, Mexico, into the United States. A affirmative decision would violate U.S. law and I demand that the law be strictly observed and the importation disallowed. As our trade with Mexico continues to expand, and as negotiations for the creation of a North American Free Trade Area proceed, we must know if any of the goods or services that are being exported to the U.S. from Mexico are produced with the labor of incarcerated Mexican workers.

Now in the United States, even in a non-minimum-wage State, if such there is, you know you would have to pay more than whatever the lodging costs and the food given to the prisoners in a Mexican jail entails, plus a minimum payment, which has to be revealed to us, but what I would estimate is not even 60 cents an hour.

There has never been any possibility that United States laborers could compete with prison labor and still receive a viable living wage, and now it appears that our workers are going to have a choice—compete with serf labor in the maquiladoras or compete with slave labor from the prisons. The use of Mexican prisoners by U.S. or Mexican-owned maquiladoras to make or assemble goods for export to the U.S. is an explicit violation of U.S. law and has been prohibited for over fifty years. If convict labor is being used to produce a service that is then exported back into the U.S., it is a violation of the spirit and intent of the law and, if allowed, I will do everything possible to close this loophole.

As I pledged to do—

The use of convict labor is not only morally repugnant, but it sets a dangerous precedent. Trade with Mexico has more than doubled over the past decade. Mexico is now our third largest trading partner behind Japan and Canada, and almost 40% of U.S. imports from Mexico come from maquiladoras.

On top of this, the tax breaks the American corporation gets involved in that maquiladora is extraordinarily high. Mexico is now our third largest trading partner behind Japan and Canada, and 40 percent of United States imports from Mexico come from maquiladoras.

Our trade with Mexico will only expand further, especially with the pending North American Free Trade Agreement. The proponents of this expanded trade tout its great benefits, and it does in fact hold great opportunity for economic prosperity. But if the expansion of trade is based on such things as the forced labor of convicts, it will only perpetuate the poverty of Mexican workers and deepen the economic distress faced by workers in the U.S.

It is astoundingly ironic that so-called "free trade" may be based in part on prison labor. So much emphasis these days is placed on being competitive in the global market. But how can American workers compete with Mexican prisoners? Already, according to the U.S. Department of Labor, Mexican maquiladora workers make only one paltry dollar an hour, with benefits this can reach two dollars an hour.

That is average. There are some that earn considerably less, some perhaps a fraction more.

How can American workers compete against people who have to work for one tenth of our wages, especially if they are incarcerated and have no recourse to even Mexican labor law? Furthermore, the conditions faced by workers in the maquiladoras are deplorable, a far cry from decent conditions in or out of prison. The use of convict labor would not only perpetuate this poverty, but would make it worse. And at a time when working people in the United States are being laid off by the thousands, it would be unconscionable to allow the employment of Mexican prisoners in commerce conducted by the U.S. Is free trade going to mean the replacement of serf-labor with slave-labor?

With that, Mr. Speaker, I will place in the RECORD the pertinent sections of the U.S. Code and the copies of the letters I have mentioned before.

The material referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 1992.

The EDITOR,
San Antonio Express-News,
San Antonio, TX.

DEAR EDITOR: Although the recent article "Mexican prison labor focus of trade controversy" (Express-News 4/26/92) raises an issue of vital importance, I must clarify my concerns about the use prison labor in Mexico as I believe the article misses the point of the questions I have raised.

I am concerned first and foremost about what the use of prison labor in Mexico will mean for the jobs of working people in the United States. This is especially important as negotiations for a North American Free Trade Agreement (NAFTA) continue. If the use of Mexican prison labor in commerce between the U.S. and Mexico is allowed, it would set a dangerous precedent, especially as cross-border trade is set to expand at an unprecedented rate. Is free trade going to be based on incarcerated labor?

It is difficult enough for American workers to compete with two-dollar-an-hour labor in Mexico, let alone the labor of Mexican prisoners. With over nine million people out of work in this country, it is unconscionable that we even consider opening up our borders to commerce based on convict labor. In Texas, where we are supposed to reap the benefits of expanded trade with Mexico more than most states, the unemployment rate is even higher than the national average.

The article creates the false impression that my concerns have more to do with keeping Mexican prisoners from putting food on their families' tables. By continually missing the point of the questions I have raised and by making one spurious comparison after another, the article presents a mischaracterization of my concerns and belies the seriousness of the issue at hand.

First, the article equates the skills of craftsmanship with the drudgery of sorting coupons for hours on end by comparing furniture carving by one prisoner with the proposed coupon-sorting operation by hundreds of prisoners. Second, it falsely compares work done by Mexican convicts involved in the production of goods for use or sale in Mexico, to which U.S. law does not apply, to a coupon-sorting enterprise engaged in international commerce between Mexico and the U.S., which is explicitly covered by the laws of the United States. This law not only bans the import of goods made with slave or forced labor, as pointed out in the article, but all goods made from any convict labor.

Taken as a whole, the article would have us believe that Mexican prison labor is to be used for the benefit of the convicts out of the goodness of the company owners' hearts. Why then do they need to send this work across the border in the first place? In the United States, the federal prison population is expected to exceed 100,000 in just a few years, yet less than a quarter of the current 63,500 federal prisoners participate in the prison industries program. In Texas, over eight thousand prisoners fill federal facilities and another fifty thousand are incarcerated in state prisons. Are these prisoners less in need of work and job training than their Mexican counterparts?

I am also gravely concerned about Mexican prison labor perpetuating the poverty faced by many Mexican workers. In a country where over twenty percent of the population is unemployed, there is obviously no shortage of labor. Why then are these operations being set up inside the prisons of Mexico? Are Mexican workers along the border now going to have to get themselves arrested to get a job? The bottom line is that the companies want to be able to set up maquiladora operations in prisons across the border because they can make more money by using incarcerated Mexican labor.

Having been born and raised in San Antonio, I am keenly aware that the economies of South Texas and Mexico are inexorably intertwined. I have always done and will continue to do everything possible to make sure that these ties between Texas and Mexico are protected and expanded in the most mutually beneficial manner possible. However, the proposed use of prison labor as part of the ongoing expansion of cross-border commerce bodes most ill for the health of this trade.

Far beyond the quaint descriptions of work in Mexican prisons in the article, the approval by U.S. Customs of the use of prison labor would set a dangerous precedent. My concern is whether the benefits of the expansion of trade being negotiated right now in NAFTA will be available to everyone, or whether the fears of the critics of expanded trade with Mexico will come true—that the benefits of this trade will be concentrated, at the expense of working people on both sides of the border, in multi-million dollar contracts between international corporations

more interested in the bottom line than in putting food on anyone's table.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 1992.

Hon. CAROL HALLETT,
The Commissioner of Customs, U.S. Customs Service, Washington, DC.

DEAR COMMISSIONER HALLETT: I have received some most disturbing information about forced labor in Mexico, and sadly it is something that I have anticipated all along. What I have heard is that prison labor is being used in Mexico for the production of goods which are then exported to the United States.

It has come to my attention that the U.S. Customs Service is about to decide whether to allow the importation of goods or services produced by prisoners at the CERESO facility in Juarez, Mexico, into the United States. An affirmative decision would violate U.S. law and I demand that the law be strictly observed and the importation disallowed. As our trade with Mexico continues to expand, and as negotiations for the creation of a North American Free Trade Area proceed, we must know if any of the goods or services that are being exported to the U.S. from Mexico are produced with the labor of incarcerated Mexican workers.

There has never been any possibility that United States laborers could compete with prison labor and still receive a viable living wage, and now it appears that our workers are going to have a choice—compete with serf labor in the maquiladoras or compete with slave labor from the prisons. The use of Mexican prisoners by U.S. or Mexican-owned maquiladoras to make or assemble goods for export to the U.S. is an explicit violation of U.S. law and has been prohibited for over fifty years. If convict labor is being used to produce a service that is then exported back into the U.S., it is a violation of the spirit and intent of the law and, if allowed, I will do everything possible to close this loophole.

The use of convict labor is not only morally repugnant, but it sets a dangerous precedent. Trade with Mexico has more than doubled over the past decade. Mexico is now our third largest trading partner behind Japan and Canada, and almost 40% of U.S. imports from Mexico come from maquiladoras. Our trade with Mexico will only expand further, especially with the pending North American Free Trade Agreement. The proponents of this expanded trade tout its great benefits, and it does in fact hold great opportunity for economic prosperity. But if the expansion of trade is based on such things as the forced labor of convicts, it will only perpetuate the poverty of Mexican workers deepen the economic distress faced by workers in the U.S.

It is astoundingly ironic that so-called "free trade" may be based in part on prison labor. So much emphasis these days is placed on being competitive in the global market. But how can American workers compete with Mexican prisoners? Already, according to the U.S. Department of Labor, Mexican maquiladora workers make only one paltry dollar an hour, with benefits this can reach two dollars an hour. How can American workers compete against people who have to work for one tenth of our wages, especially if they are incarcerated and have no recourse to even Mexican labor law? Furthermore, the conditions faced by workers in the maquiladoras are deplorable, a far cry from decent conditions in or out of prison. The use of convict labor would not only perpetuate this poverty, but would make it worse. And at a time when working people in the United States are being laid off by the thousands, it would be unconscionable to allow the employment of Mexican prisoners in commerce conducted by the U.S. Is free trade going to mean the replacement of serf-labor with slave-labor?

I look forward to your prompt reply to my concerns.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

MEXICAN PRISON LABOR FOCUS OF TRADE CONTROVERSY

CIUDAD JUAREZ, MEXICO.—Sawdust, floating on air, drifts from the cracked window in Tito Guzman Peralta's jailhouse workshop and settles on the concrete sidewalk and white stuccoed windowsill.

It stirs again only when prisoners rush past on their way to jobs in a trinket factory, a leather shop or another work place in the Juarez federal prison's labor quarter.

"I can make anything to order," says Guzman, who has learned to carve ornate wooden furniture in the traditional Mexican style while serving time for dealing heroin.

Guzman, like roughly half the prison's 1,100 inmates, works eight hours a day in an effort to keep food on his family's table while he's in jail, and to make a little extra money to buy comfort in a prison where most things, including conjugal visits from his wife, are allowed.

But a proposal to expand the work program by having a coupon-sorting company set up shop in the prison has drawn the anger of San Antonio Rep. Henry B. Gonzalez, who denounces the coupon work as slave labor that will take jobs from the United States.

Prison officials defend the program, saying it provides vital skills that can turn inmates' lives around.

Guzman has been one of the beneficiaries. Inside his concrete block workshop, Guzman, considered the prison's master wood craftsman after four years in the slammer, whipped out a plastic binder and showed a visitor photographs of the ornate wooden tables, chairs, cabinets and bed frames he carves.

"Just bring me a magazine picture of what you want, and I'll make it—mirror frames, bird cages, whatever you want," he said. Guzman's steady hands have won him business from a Juarez home decorator and a job offer from the owner of a woodworking shop on the outside—a proposition he plans to accept when he's released from jail in about six months.

Work space and resources are limited and job training inside the prison, known as CeReSo, mostly happens only when an older inmate is willing to pass the secrets of his trade to an apprentice before he's done serving his time. CeReSo is a Spanish acronym for Social Rehabilitation Center.

Though the prison is trying to drum up sewing and manufacturing contracts from private business, only about half of the prisoners who work there do so through the prison's organized labor programs, work therapy manager Gilberto Enriquez Miranda said. Dozens more shine shoes for prisoners and visitors who wander daily through the maze of fences in the prison yard.

They weave leather belts at makeshift work benches in their cells or on open patios. They cut teardrop-shaped leather key chains to sell on Sunday—family day—or they cook, cut hair, mend clothing and bake for other prisoners willing to pay for the services.

The prison has recently tried to expand its work program and give it more structure by inviting a Mexican coupon-sorting company that would eventually employ hundreds of inmates on prison grounds. The company would supply supervision and training to turn inmates into maquiladora workers, the prison would supply the manpower, and the company would keep the profits.

The company, Tecnicas Unidas de Mexico, wants to rent a newly constructed warehouse, on a corner of the prison grounds, hire prisoners to sort coupons collected by U.S. retailers, then ship the coupons back to the United States for disposal or further processing.

But Gonzalez has asked the U.S. Customs Service to deny the company's request for import permits under a 50-year-old federal law that forbids the importation of products made with slave or forced labor.

Gonzalez worries that cheap prison labor would quicken the flight of U.S. jobs to Mexico where workers in assembly plants for years, have supplied low-cost manpower to U.S. and other foreign corporations.

Gonzalez's accusations have frustrated officials at the prison, where some work programs—a sewing shop where guard uniforms and intramural sports T-shirts are made—already, are idle for lack of work. Prison officials say a structured maquiladora-like factory such as the one Tecnicas Unidas has proposed would give inmates training that could help them find jobs, and legally support their families when they are released.

"I don't know this congressman personally," jail administrator Jose Grajeda said. "But I'm sure that if he came, he'd see what was going on and he'd stop making these accusations. We aren't cutting cocaine or growing marijuana. This is clean, honest work. The salary that we pay here is the same as what they'd get on the outside."

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1992.

Mr. THOMAS FENTON,
Editor and Publisher, El Paso Times, El Paso, TX.

DEAR MR. FENTON: In anticipation of the pending release this weekend of an Associated Press story by Denise Bezick on prison labor in Mexico, I must express my deep concern about the article.

Contrary to the implication of Denise Bezick's article, my concern about prison labor in Mexico has nothing to do with keeping Mexican convicts from putting food on their families' tables, but has everything to do with whether so-called "free trade" between the U.S. and Mexico is going to be based on imprisoned labor.

By continually missing the point of the questions I have raised with U.S. Customs and by making one spurious comparison after another, the article presents a mischaracterization of my concerns and belies the seriousness of issue at hand. First, by talking about the carving of furniture by one Mexican prisoner in the same breath as the proposed sorting of coupons by hundreds of convicts, Mr. Bezick equates the skill of carpentry with the drudgery of sorting clipped coupons for hours on end.

The article continues by comparing work done by Mexican convicts in the production of goods for use or sale in Mexico to a coupon-sorting operation to be engaged in international commerce. The proposed coupon-sorting operation or any other such inter-

national operation is not like the stamping of license plates by prisoners here in the U.S., as stated by Ms. Bezick. This is because work done by prison labor in Mexico for goods that stay in Mexico is not covered by U.S. law, but Mexican convict labor that is part of commerce between the U.S. and Mexico is explicitly covered by the laws of the United States. Furthermore, the incomplete description of the 1930 trade law governing this matter provided in the article leaves the impression that only goods made with forced labor are prohibited from entry into the U.S. In fact, the law covers all goods produced by any convict labor.

The article also creates the false impression that Mexican prison labor is being employed for the benefit of the convicts out of the goodness of the company owners' hearts. If this were so, why do these companies need to send this work across the border in the first place? Don't convicts in American jails need the jobs just as much as their Mexican counterparts? And if these companies are so concerned about the well-being of the people of Mexico, why are they setting up operations in prisons in a country where over a fifth of the total population is unemployed? Are unemployed maquiladora workers now going to have to get themselves arrested to get a job? And just what are the much-touted skills that a prisoner gains by standing in one place for hours and hours sorting coupons? The bottom line is that the companies want to be able to set up maquiladora operations within Mexican prisons because they can make more money by using incarcerated labor.

What this adds up to, whether by intentional action or not, is a misrepresentation of my concerns. Having been born and raised in San Antonio, I know that the economies of South Texas and Mexico are inexorably intertwined. Our futures are just as interconnected. I have always and will continue to do everything possible to make sure that the ties between Mexico and South Texas are protected and expanded in the healthiest, most mutually beneficial manner possible. However, the specter raised by the proposed use of prison labor as part of the ongoing expansion of international trade bodes most ill for the health of this trade as well as for the well-being of working people on both sides of the border.

Far beyond the quaint descriptions provided in the article, if U.S. Customs approves the use of prison labor in trade between the U.S. and Mexico, it would set a dangerous precedent. My concern is whether the benefits of the expansion of trade being negotiated right now in the North American Free Trade Agreement will be broadly distributed or if the worst fears of the critics of expanded trade with Mexico will come true—that the benefits of this trade will be concentrated at the expense of working people, through the use of such things as prison labor, in multi-million dollar contracts between international corporations more interested in the bottom line than in putting food on anyone's table.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

[From the El Paso Times, Apr. 25, 1992]

MEXICAN PRISON LABOR IN BORDER INSTITUTION FOCUS OF TRADE CONTROVERSY

(By Denise Bezink)

CIUDAD JUAREZ, MEXICO.—Sawdust, floating on air, drifts from the cracked window in Tito Guzman Peralta's jailhouse workshop and settles on the concrete sidewalk and white stuccoed windowsill.

It stirs again only when prisoners rush past on their way to jobs in a trinket factory, a leather shop or another work place in the Juarez federal prison's labor quarter.

"I can make anything to order," says Guzman, who has learned to carve ornate wooden furniture in the traditional Mexican style while serving time for dealing heroin.

Guzman, like roughly half the prison's 1,100 inmates, works eight hours a day in an effort to keep food on his family's table while he's in jail, and to make a little extra money to buy comfort in a prison where most things, including conjugal visits from his wife, are allowed.

But a proposal to expand the work program by having a coupon-sorting company set up shop in the prison has drawn the anger of a San Antonio congressman, who denounces the coupon work as slave labor that will take jobs from the United States.

Prison officials defend the program, saying it provides vital skills that can turn inmates' lives around.

Guzman has been one of the beneficiaries. Inside his concrete block workshop, Guzman, considered the prison's master wood craftsman after four years in the slammer, whipped out a plastic binder and showed a visitor photographs of the ornate wooden tables, chairs, cabinets and bed frames he carves.

"Just bring me a magazine picture of what you want, and I'll make it mirror frames, bird cages, whatever you want," he said. Guzman's steady hands have won him business from a Juarez home decorator and a job offer from the owner of a woodworking shop on the outside a proposition he plans to accept when he's released from jail in about six months.

Work space and resources are limited and job training inside the prison, known as CeReSo, mostly happens only when an older inmate is willing to pass the secrets of his trade to an apprentice before he's done serving his time. CeReSo is a Spanish acronym for Social Rehabilitation Center.

Though the prison is trying to drum up sewing and manufacturing contracts from private business, only about half of the prisoners who work there do so through the prison's organized labor programs, work therapy manager Gilberto Enriquez Miranda said. Dozens more shine shoes for prisoners and visitors who wander daily through the maze of fences in the prison yard.

They weave leather belts at makeshift work benches in their cells or on open patios. They cut teardrop-shaped leather key chains to sell on Sunday family day or they cook, cut hair, mend clothing and bake for other prisoners willing to pay for the services.

The prison has recently tried to expand its work program and give it more structure by inviting a Mexican coupon-sorting company that would eventually employ hundreds of inmates on prison grounds. The company would supply supervision and training to turn inmates into maquiladora workers, the prison would supply the manpower, and the company would keep the profits.

The company, Tecnicas Unidas de Mexico, wants to rent a newly constructed warehouse on a corner of the prison grounds, hire prisoners to sort coupons collected by U.S. retailers, then ship the coupons back to the United States for disposal or further processing.

But U.S. Rep. Henry B. Gonzalez, D-Texas, has asked the U.S. Customs Service to deny the company's request for import permits under a 50-year-old federal law that forbids the importation of products made with slave or forced labor.

Gonzalez worries that cheap prison labor would quicken the flight of U.S. jobs to Mexico, where workers in assembly plants for years have supplied low-cost manpower to U.S. and other foreign corporations.

Gonzalez's accusations have frustrated officials at the prison, where some work programs a sewing shop where guard uniforms and intramural sports T-shirts are made already are idle for lack of work. Prison officials say a structured maquiladora-like factory such as the one Tecnicas Unidas has proposed would give inmates training that could help them find jobs and legally support their families when they are released.

"I don't know this congressman personally," jail administrator Jose Grajeda said. "But I'm sure that if he came, he'd see what was going on and he'd stop making those accusations. We aren't cutting cocaine or growing marijuana. This is clean, honest work. The salary that we pay here is the same as what they'd get on the outside."

The work programs at the Juarez prison are similar to those in U.S. prisons, where inmates make street signs, license plates and furniture for government office buildings. But at the Juarez prison, the inmate is mostly in charge of his own business. In all but a few lines of work, the profit belongs to the craftsman. And the prisoner gets out of jail one day early for every two days that he works.

Guzman makes furniture and decorative items for a handful of clients in the private sector and for people who hear about his work through word of mouth. His wife brings him the materials for each order, he draws his own blueprints and uses simple carving tools and a saw made of a thin wire stretched between the ends of a metal bow to cut scalloped edges into the soft wood.

Guzman keeps his profits $20 or $30 for small bird cages, and up to $1,000 for a dining room table and eight chairs.

"Right now we don't have much work," Guzman said. "I just finished some kitchen cabinets and a bookcase and a bird cage that I designed from this magazine clipping."

The business comes and goes. In some of the more structured programs sewing, baking and block making the prison supplies the materials and starts prisoners at minimum wage, which at about $4 a day is less than the average factory worker outside the prison makes. But prisoners say there's opportunity for raises and advancement.

"I'm making about $35 a week now, and some of my men make as much or more than I do," said Cesar Morales, who is in charge of a small shop where about a dozen men carve chunks of shell, stone and plastic into tiny colored animal shapes that are sold to a company that uses them in costume jewelry. "That's as much as I could make doing this on the outside."

[From the San Antonio Express News, Mar. 29, 1992.]

HBG CLAIMS FIRM USING SLAVE LABOR

(By Gray Martin)

WASHINGTON.—Calling the practice "slave labor," U.S. Rep. Henry B. Gonzalez is trying to block a Mexican firm's application to use inmates in a Juarez prison to sort retail store coupons for American companies.

In a letter to Customs Commissioner Carol Hallett, Gonzalez, D-San Antonio, said approval of the application would violate trade laws in effect for 50 years.

"There has never been any possibility that United States laborers could compete with prison labor and still receive a viable living wage, and now it appears that our workers

are going to have a choice—compete with serf labor in the maquiladoras or compete with slave labor from the prisons," Gonzalez said.

"The use of convict labor is not only morally repugnant but it sets a dangerous precedent," he said.

But Kathleen Walker, the El Paso lawyer who filed the application, shot back angrily: "Obviously, it's always interesting to make up your own facts.

"But no, it's not slave labor. No, it's not forced labor. And no, it's not importation of goods," Walker said.

The application asks Custom to allow Tecnicas Unidas of Juarez to farm out retail coupon sorting to convicts who volunteer to work in a rehabilitation program.

The pilot project is planned for the Prison Center for Adult Social Rehabilitation, a $330,000 facility built inside the prison.

Walker, who called the congressman's protest "totally ridiculous," said the volunteer program was designed by the city of Juarez, the state of Chihuahua and the Mexican federal government.

She said convicts would be paid for work in the prison factory. Although she did not know the amount, she said it would be close to the prevailing wage for maquiladora workers.

"This is really a beneficial program for these prisoners," Walker said.

Tecnicas Unidas, a private company in Juarez, contracts with American firms to sort consumer discount coupons collected at cash registers. The coupons arrive in bulk, are sorted by manufacturer and are tabulated for the amount that manufacturers owe retailers for handling them.

But the use of prisoners to sort coupons collected by U.S. grocery and retail stores and then provide the data to American firms has Gonzalez crying foul. He said it would set precedent at a time the two nations are trying to liberalize trade laws.

If the proposed North American Free Trade Agreement is approved, Gonzalez said, bilateral commerce between the United States and Mexico is expected to increase dramatically.

"But if the expansion of trade is based on such things as the forced labor of convicts, it will only perpetuate the poverty of Mexican workers and deepen the economic distress faced by workers in the U.S.," he complained to the Customs chief.

Tecnicas Unidas' application is being reviewed by the Intellectual Property Rights branch of Customs.

The agency is trying to determine whether sorting coupons falls under the category of a product made by prison labor, which would be prohibited from entry into the United States.

Tecnicas Unidas is arguing that coupons brought back and forth across the border do not constitute a product from an altered resource and therefore not prohibited by trade law.

A source close to the case said Customs is expected to rule within the next few weeks, and favorably.

Gonzalez has vowed to fight a favorable ruling.

"If convict labor is being used to produce a service that is then exported back into the U.S., it is a violation of the spirit and intent of the law, and if (it is) allowed, I will do everything possible to close this loophole," Gonzalez said.

According to the application by Tecnicas Unidas, the coupon sorting would take place in a 12,000-square-foot plant recently erected inside the Juarez prison.

[From the U.S. Code]

SECTION 1307. CONVICT-MADE GOODS; IMPORTATION PROHIBITED

All goods, wares, articles and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor," as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its performance and for which the worker does not offer himself voluntarily.—June 17, 1930, c. 497, Title III, §307, 46 Stat. 689.

MARCH 27, 1992.

To: HBG.

From: Tod.

Re: Tecnicas Unidas Request for Customs Ruling.

Kathleen Walker, attorney for Tecnicas Unidas, the Mexican owned contractor employing prison labor in Juarez, sent a copy of their request for a ruling from Customs on the facility they have operated in the CERESO prison in Juarez.

THE PRISON FACILITY

12,000 square feet—the use of prison labor in Juarez will greatly expand beyond the 100 convict labor force of the past; pilot project—if "successful" the Mexican gov't plans to expand this convict labor program throughout Mexico; cost $330,000—(50 percent by federal gov't; 25 percent by Chihuahua state; and 25 percent by the city of Juarez) the government in Mexico has a vested interest in ensuring the continuation of this program. Tecnicas contracted with these authorities to pay $2,000 a month in rent on the facility and 10 percent of total labor payroll.

THE USE OF CONVICT LABOR

Coupons sorting.—the convicts are used to sort coupons bought by a US clearing house from a US retailer, shipped to the clearinghouse subsidiary in Mexico that operates maquilas, and are contracted out to a Mexican subcontractor, Tecnicas, for sorting. The information compiled is to determine the actual value of the coupons for purposes of the transaction between the US clearinghouse and retailer and to provide consumer information. The information is sent back to the US by microwave. The coupons are either disposed of in Mexico or the US. Tecnicas contracted with the prison in 1990 as soon as the facility was completed and has already contracted with the US owned company to sort the coupons.

Shifts.—under the contract between Tecnics and the prison, there will be three work shifts in a day, meaning the sorting would go on virtually around the clock.

ARGUMENTS

Benefits to prisoners.—Tecnicas argues that this "rehabilitation" program is voluntary and provides benefits to workers such as "job training", though I'm not sure what sort of skill coupon sorting imparts to a worker.

Not covered by existing law.—this may be the case as the operation does not actually produce anything or export anything of value back to the US. In this case a new law will be needed to end this practice.

Labor.—if all these low end maquila jobs move into prisons, workers will have to get themselves arrested to find work. They will then be essentially indentured workers. Local authorities may also round up people to arrest to keep enough workers in the prison plants. This also undermines any collective bargaining ability of other maquila workers and Mexican workers in general.

□ 1740

RESOLUTION TRUST CORPORATION REFORM

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, this evening my colleagues and I have gathered here to draw attention to a quiet robbery that is taking place here in Washington. This is an ideal time of the day, after regular business is over, to help educate ourselves and the American people about what is happening on one of the most important issues in our country related to the savings and loan crisis.

Billions of tax dollars are being diverted every month to pay for the savings and loan situation. Most people in America and most people not directly involved here in Washington are not paying any attention at all. Barely a peep about this important overriding financial issue is heard here in Congress, and very little from the American people.

Soon we can expect the administration to ask Congress again to refund the boondoggle agency, the RTC. The RTC has already spent $88 billion of taxpayer money since its inception in 1989.

Now, how much would $88 billion have bought if it had been used for something else? It would have bought us over 1 million more jobs under the Surface Transportation Act passed last November. It could have increased by over 87 times this year the amount of funds that we put into the McKinney homelessness programs. It could have multiplied by 10 NASA's Research and Development Program so important to civilian research and development in this country.

Indeed, the House Committee on the Budget estimates that funding for the savings and loan cleanup now accounts for the fifth largest item in the U.S. budget, behind programs like Medicare, defense, and interest on the national debt itself.

In fact, the entire mechanism for bailing out the savings and loans is an-

other method of creating more debt in this society because of the bond scheme being used for borrowing.

In perspective, the $88 billion is just a fraction of the $372 billion that the General Accounting Office estimates the total bailout price tag will cost. One leading Stanford economist indicates that the interest costs on the borrowing being used to pay for this situation may ring in at over $900 billion, nearly $1 trillion, over the 30-year duration of the bailout. That is nearly triple GAO's estimate. So no one really knows.

One thing we can say for certain is it always has cost most than the administration told us in the first place.

Thus, America has floated the RTC a huge piece of the shrinking budget pie. We will be expected here in the Congress to do more of the same very soon. Astonishingly, with these vast sums of taxpayer money at stake, the last bill brought to this floor on the RTC was clean of important reforms that need to be taken in order to assure that this agency functions properly.

We were asked to refund the RTC without the requisite scrutiny of its qualifications for receiving that additional funding. We were asked to rehire the RTC without a glance at its current résumé.

Mr. Speaker, I and my colleagues did not have to look far for problems that would make any taxpayer pause. Headlines in both the Washington Post and the New York Times this week report the fact that the RTC had $2 billion in its coffers last fall when it was crying broke and asking for billions more from the Congress.

Since the RTC has not talked straight to Congress about its past balance, how can we really trust its estimates for future needs? More importantly, how much should we trust the RTC with any more funding at all?

Along with half-truths at the national level, RTC is saddled with inefficiency on the local level. Recently we heard a firsthand account from a resident in my district that tried to bid on properties that the RTC was auctioning off. It occurred that there was a bidder who offered to buy all the remaining properties in this particular area for just $3,200 each.

My constituent called my office and said he was prepared to bid twice that amount, which would have been closer to the fair market estimate on these properties, but in fact the auction was closed. He asked me why did that happen.

Another citizen from my district made a market price bid on an RTC condominium for sale and waited 3 months to purchase it. He could not ever get an answer back from the RTC. The RTC never called, so he went off and purchased a condominium on the private market.

Mr. Speaker, you cannot seem to get an answer out of the RTC when you telephone these local and regional offices. Perhaps worst of all, the RTC has been slow to process pension forms for the former employees of two failed savings and loans in my region, robbing them for more than 6 months already of pension checks so valuable during these hard economic times.

Again, there never seems to be a reapply from the RTC.

In response to glaring problems, like these, and with acute awareness of the vast sums at stake, my colleagues who are here tonight and I have introduced the RTC Reform Act of 1992, H.R. 4924.

The act proposes major administration and alternative financing reforms designed to work for the Nation's interest, along with two main themes that structure the bill. The first is serving the real economy, and the other is promoting accountability to taxpayers and consumers.

For example, under serving the real economy, the bill requires a current appraisal on each RTC asset for sale so fair return is received on assets sold.

It also reworks the RTC Affordable Housing Program so that qualified low- and moderate-income buyers can use it. It directs the RTC to transfer its environmentally sensitive land to Federal and State environmental agencies. We will hear more about this very shortly from our esteemed colleague from Illinois [Mr. EVANS].

Under the accountability section it improves the prosecutions of the S&L fraud criminals to recoup more of the money rightfully due to victims and the U.S. Treasury.

It is incredible that our own Justice Department has recovered less than 1 percent of the ordered collections of those cases that have gone to trial.

The bill also makes interest, up to $1,000 in savings accounts, tax-free to stimulate a flow of capital to make the sick S&Ls healthy. The gentleman from Louisiana [Mr. TAUZIN] very thoughtfully said. "Why are we only worrying about propping up sick institutions? Why don't we try to put the economic incentives in a reform of the S&L situation to promote deposit inflows into these institutions, to help make institutions healthy?" He will be talking about that in a little while.

The bill also requires the RTC to publish the examination of failed banks and thrifts if taxpayer funds were used during the examination.

Mr. Speaker, I am going to yield at this time to the gentleman from Illinois [Mr. EVANS] to share more details about worthwhile provisions in H.R. 2924.

Mr. EVANS. Mr. Speaker, I appreciate the leadership of the gentlewoman from Ohio [Ms. KAPTUR] on this issue.

Mr. Speaker, I am here today to speak in support of Representative JONTZ'S package, the Resolution Trust Corporation Reform Act of 1992, H.R. 4924. I support these reforms because I do not believe that the RTC is currently serving the real economic needs of a broad sector of the public.

H.R. 4924 includes a number of important reforms in the operation of the RTC. However, this afternoon I would like to particularly address those provisions dealing with affordable housing and environmentally sensitive lands.

To date, the RTC's cleanup of the S&L debacle has cost the American taxpayer approximately $150 billion. In attempt to see that the taxpayers at least received some benefit from this mess, Congress imposed requirements in RTC legislation for programs like affordable housing and environmentally sensitive lands. However, despite these provisions, the RTC has failed to make affordable housing accessible to those who need it most and has also failed to preserve environmentally sensitive lands under its control.

The Jontz's reform legislation would require that the RTC guarantee loans for affordable housing. This would make more loans available for low-income people who qualify under this program.

As to the environmental requirements, the 1989 bailout bill required the RTC to identify properties with natural, cultural, recreational, or scientific values of special importance. Since the law did not require the RTC to preserve any properties of environmental significance, the RTC has been focusing on disposing of its properties and the environmental significance of them has been of little concern. The RTC reform bill would require that the RTC transfer sensitive lands under its control to the appropriate Federal or State environmental agencies.

I believe that these reforms are the least the American taxpayer should expect if they are to be asked to continue to fund this bailout. For that reason, I strongly support this legislation.

□ 1750

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Illinois for his participation in these efforts and encouragement along the way and his help in drafting several of these provisions. I am glad the gentleman acknowledged the gentleman from Indiana [Mr. JONTZ], who has been able to organize all of us and put together a comprehensive bill which has been sadly lacking over the months.

It is especially difficult for those of us who are not on the Committee on Banking, Finance and Urban Affairs to try to influence this body, and we thank the gentleman for participating this evening and for his leadership and interest all along.

One of the Members who is here this evening, who serves on the committee and has been a lonely voice and who has continued the struggle to make

sure that the RTC properly performs and holds itself accountable to the American people, the gentleman from Minnesota, Congressman BRUCE VENTO, is here. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentlewoman for yielding to me.

I am very interested in the package of reform legislation that the gentleman from Indiana [Mr. JONTZ] and others, the gentlewoman from Ohio [Ms. KAPTUR] included, and the gentleman from Illinois [Mr. EVANS] have put forth. In fact, many of these same provisions in the first session of this Congress were deliberated and considered on during the banking consideration of additional funding for the RTC.

I would, just to review the bidding with my colleagues, I would point out that we are talking about S&L's that have failed since 1989. We are not talking about those that failed prior to that, because that is another group of S&L's that has a cost to taxpayers of $60 billion to $70 billion, according to the GAO. So we are really talking about that group that has failed since then.

I know that my colleagues will recall that initially then President Bush rose and met us at the beginning of the 101st Congress and suggested a partnership, that we ought to deal with this. It is a $50 billion problem in terms of lost funds.

Since then, of course, we have learned regrettably that the problems with S&L's, of course, are much deeper. Now the calculations are at least $160 billion in lost funds in terms of costs, not including the interest on these institutions that have failed since 1989.

I know that the numbers are very confusing. They are big numbers. They have a big impact in terms of the performance of our economy. I think as we dissect the events of the past few years, I think that anyone would recognize the serious impact that the S&L failures have had on the general health of our economy. It is perhaps the most salient element in the performance of the economy in the 1990's. So it is something that should occupy great attention in this House and certainly the attention of the President.

What I fear and what I want to convey today is, first of all, my recognition of the work that these band of Members are putting together to focus on some of the concerns that they have with the RTC management. I think it is absolutely essential. They have dealt with in excess of $350 billion worth of assets. They have disposed of or at least collected on some $250 billion, and they, of course, in the future will deal with hundreds of billions of more sale of assets. And these are, of course, the assets that are most difficult to sell.

So they have a profound impact on our economy.

What really is concerning me today is that when the President rose in 1989, to deal with this issue, he said,

> Never again will we let financial institutions, S&L's or banks, function when they don't have any of their own dollars at risk. Never again will we permit them to be gathering deposits without investment from the private sector and the taxpayer bearing the brunt of the risk in the equation of that financial institution.

Unfortunately, I think that "never again" has come to mean "or until the next Presidential election," because in Director Reischauer reporting to the Committee on the Budget and the Senate, he pointed out that the phenomena that is now going on in the administration in terms of the conduct and regulation of the S&L's and banks is unprecedented in terms of the regulation that took place. He had to go all the way back to 1988 to find the same phenomena going on. So I think it is not a coincidence that 1988 was a Presidential election year and 1992, of course, as we all know, is a Presidential election year.

I think this speaks to a very dramatic concern, as the administration attempts to portray to us the fact that the S&L issue, the troubled S&L problems are nearly over. Clearly, there are a number of elements that have resulted in bank profitability and S&L profitability to date that are unheralded. The 3½-percent discount rate, the number of refinancing, the amount of refinancing that is going on.

My concern is that the administration today seems willing to participate in restarting up the forebearance merry-go-round with regard to regulation that persisted and caused us great difficulty during the 1980's. I think we all ought to look back on that, whatever the good intentions, as a result, I think, have been very profound and a very big problem in the 1990's in terms of its impact on our economy and on certainly our national budget.

The concern today, I think, persists. I think it is important that we point out, when we talk about the troubled S&L's and the lost funds that are going in have been placed and expended to defend and to make good on over $20 million taxpayers' savings that were in these S&L's. Twenty million people have had their savings safeguarded in the process. So there is, I think, at the base of this a justification, a very important responsibility that all of us bear in terms of trying to resolve and address ourselves.

We are not up here, I do not think anyone is suggesting that we are voting for or asking others to vote for dollars to help the S&L's alone. We are trying to help the depositors that in good faith relied on the commitment of the Deposit Insurance in those S&L's and are today still relying on that.

I would suggest to my colleagues, if, but for the fact that we had met that particular responsibility in commitment, that our economy would be in much more difficult shape today than what it is. We would not be in a recession or a structural economic recovery, as we are in today, which still has structural problems in our economy. But perhaps we would be in something far worse. So I just want to add, I think the RTC and the lamentable fact this week, when we learned that the RTC still has $3 billion remaining from funds that they had not expended, at the same time they are playing political games, jerking Congress around, quite frankly, providing half-truths and bits of information is not helpful. They are unhelpful to providing clarity and building the type of credibility and confidence that we need in this Congress and this House to act on and pass additional funding dollars.

Obviously, I think that we would go to other reforms. There are many, though, that have picked up the signals and the uncertainty and the unfocused policy of the administration at a point where they are suggesting that if the dialog and change in policy is going to be one of forebearance, they have a menu of items that they would like to reconstitute, to recycle. Bad ideas of the 1980's are coming back in the 1990's like a bad penny.

I suggest that if it has been unconscionable to pay for this once, it would certainly be inappropriate to have to pay twice. So I hope that this week, with this latest revelation, we can begin to see the end of the game playing with Congress in terms of this issue and the American public.

We need the President involved in this and focused on this particular problem. This is an enormously important problem to our economy and to the welfare and future of this Nation.

I know what his views are on broccoli. I know that he is angry with some Lawrence Welk appropriations, and asparagus. I guess the guy just does not like vegetables.

The problem that we really have to face up to here are these billion dollar decisions that are being made with regard to how we regulate S&Ls, whether or not, for instance, financial institutions, through regulation, should be exempt broadly from, for instance, environmental Superfund laws.

□ 1800

Where is that money going to come from in terms of that rule and regulation change? It is going to come out of the taxpayers' pockets. Who is going to be accountable as to the types of loans that were made when we remove accountability in the process?

These are the questions that should be asked, not suggested as a quick-fix solution to credit availability and to the growth of the economy, because the election is going to be over in November and somebody is going to have to be here to pick up the pieces.

I am very concerned that these quick-fix decisions today that are being made to give back to some of the same special interests the benefits that existed during the 1980's are going to cost us again, and it again just becomes another rhetorical salvo in the Presidential election, so I am very concerned about the direction we are going. I see some hopeful signs this week in terms of the administration directing themselves to the discussion of good will in a forceful way, I think, to put that issue at rest.

I hope that that continues, because if it does not, the administration and the RTC bill got 125 votes the last time it was on the floor. We need 218. The way they are working, we are going to end up with 25 votes, not 218. So I think that this can serve notice that the Members that want to work in good faith on these problems, that want to work for a more efficient and streamlined sales process, that want to eliminate some of these bulk sales that are going on with the RTC where they are not following the game plan but are proposing sales that override and disregard both an open bidding process and financing schemes that they have, the special bulk sales they are providing in Patriot and other issues are undermining the confidence of the general public, and those that are best suited to deal with them in terms of the purchase of many of these assets.

They need that type of rapport. They need that type of effort. I think they should recognize that a considerable amount of work still needs to be done on this, according to their own estimates. As the gentlewoman has indicated, they supposedly have expended $88 billion or $85 billion, if they have $3 billion remaining, as they have suggested. They have asked for $160 billion. If we add that up, that means they have $75 billion more of expenditure that has to go on in terms of lost funds in terms of the RTC based on their own estimates. That means they are in midstream.

This is not the time to lose the focus of where we are headed to the other side of the bank, because we are likely to get floated downriver and out into deeper problems, as my friend, the gentleman from New Orleans, can attest, when you lose your way trying to cross the river.

The point is, I think they need to retain that focus on where they are going, and to engage the Congress and the American people in an honest dialog about the nature of the problems and what has to be done rather than trying to gloss over it until after the November election. I think that is one of the reasons we find a great credibility gap and the great concern among our constituencies, is because of the lack of candid discussion, the lack of discussion of real issues in this body, in this administration, and in this country.

These are the issues that should be discussed. They are not popular. I understand that nobody is going to strew rose petals in George Bush's path or anybody else's path, Governor Clinton or Congressman VENTO, or the path of the gentlewoman from Ohio, MARCY KAPTUR, for dealing with these issues. They are tough to deal with.

There are no easy answers, but the fact of the matter is our economy is dependent upon sound decisionmaking on these issues, and I think the public needs to be engaged in this process. I am pleased that the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Indiana [Mr. JONTZ], and others are going to provide some focus and attention to this issue, and I am glad to join with them in that spirit this afternoon.

Ms. KAPTUR. Mr. Speaker, would the gentleman yield?

Mr. VENTO. I am happy to yield.

Ms. KAPTUR. I wanted to follow up on the gentleman's comments. He has been so diligent as a member of the Committee on Banking, trying to bring these issues forward.

For those of us who do not serve on the committee and who are forced to sit in this House and watch this RTC legislation slip through after midnight on unanimous-consent requests, where we try to get discussion going and there are not enough votes left on the floor, if it is 2 or 3 o'clock in the morning, I think one of the most discouraging aspects of this bill is that the points the gentleman raises in subcommittee and in full committee, and you know the details of this legislation, that the vast majority of Members are never afforded the opportunity to debate this openly on this floor, and rules are written and procedures followed that literally muzzle the vast majority of the Members of this institution who do not sit on the Committee on Banking, and we have to resort to time periods like this one in order to deal with of the most important financial issues facing the country.

I know we all want to support the gentleman [Mr. VENTO] in his important reform efforts for the RTC, and we are really honored by your presence this evening and the guidance you have given to so many of us.

Mr. VENTO. If the gentlewoman will yield briefly, those of us on the committee on Banking have to vote on this day in and day out, and the gentleman in the chair, the gentleman from Delaware [Mr. CARPER], myself, and others, and the gentleman from Massachusetts [Mr. KENNEDY], who is here this evening, we want to develop a dialog and understanding. I think we all want to meet our responsibilities, and obviously to have these issues brought up forthrightly and presented.

I think we also want the administration to follow the game plan that they outlined in 1989, rather than almost on a monthly basis to be reinventing some new scheme as to why they are dealing with the RTC and how. We have specific provisions in the RTC for the disposition of low-income or moderate-income housing. That has been a silver lining, quite candidly, in many areas. I hope it could work better in others.

We had provisions for providing opportunities for employment to those that are disadvantaged. We had worked through some of the other issues in terms of reform. There are other things that can be done, but I think what really has pulled the rug out from under much of this is the fact that the administration keeps coming up with new schemes. They cannot juggle three balls, so now they have decided to juggle five in terms of many of the RTC programs. Frankly, it is unfair and it is proving to be unwieldy and unworkable.

I hope this dialog that we have initiated this evening will help to provide a constructive framework so we can move ahead with needed legislation and meet our responsibilities and the needs of our constituency.

Ms. KAPTUR. I again thank the gentleman from Minnesota [Mr. VENTO], and I think for dutiful Members like yourself who are trying to make a two-legged camel walk forward, one of the real problems with this legislation in the beginning, in my own view, is that the Bush administration has chosen to finance this by slapping a mortgage on the American people, their children and grandchildren, for several generations to come.

Our responsibility must be to assure the depositors of their funds. However, the way we are choosing to pay for this, and I will say more about that in a second, is truly wrong.

I see that the gentleman from Massachusetts, Congressman KENNEDY, is asking for time to be yielded, and we are so pleased, knowing the herculean fight that he has put on in the Committee on Banking on this issue, we are really pleased that the gentleman can join us this evening.

Mr. KENNEDY. Will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR], and I first and foremost want to thank her and congratulate her on the vigilance that she has shown, no only in the years she has spent on the Committee on Banking trying to look out for the interests of the taxpayers of the great State of Ohio, but really throughout the country in making sure that those individuals that perpetrated crimes in terms of S&L administrators were brought to justice, that the regulators that dropped the ball were also questioned in a very aggressive manner, and I thank the gentlewoman for her forthrightness in pointing out some of the weaknesses that Congress itself

has to bear on its own shoulders for some of the problems that took place within the savings and loan industry.

I also want to acknowledge the presence of the gentleman from Minnesota [Mr. VENTO] who I think has, probably more than any single Member of Congress, looked out after the interests of the people of this country, and for his work, the thankless job, really, of running the RTC Task Force on the Committee on Banking. This is a job that really you make no friends on; you can never please the people of the country, because all they see is the fact that half a trillion dollars is coming out of their pockets that could have otherwise gone to affordable health care or energy, education, and other badly needed programs in this country.

The reality is that the gentleman from Minnesota [Mr. VENTO] has been, I think, just a hound dog in terms of the way he has gone after an agency that I believe is out of control.

I also see the gentleman from Louisiana [Mr. TAUZIN], who has always shown an interest for the people of the State of Louisiana and has helped considerably in the work of the Congress in general in speaking out on the issues of savings and loans.

The reality is that the situation that we are in today I think is sitting and watching an agency out of control. The RTC at this particular time has just, as the gentleman, Mr. VENTO, and I understand on the task force, we have just been given a report by the GAO which indicates that one office of the Denver regional office has lost $7 billion in taxpayer money and they cannot find out where it is. They hired a consulting firm that was paid something like $15 million or $20 million to determine where the $7 billion went, and the consulting firm could not find where the money is.

This is an agency that sold the building out of one regional office one day and the same building was then sold to another company out of another regional office the next day. It is an agency that I believe, despite the efforts, the best efforts of the Congress of the United States, is extremely difficult to get a handle on. The lack of oversight by the Justice Department I think has been appalling.

Many of the Members that are in the Chamber right now, the three or four or us that are here, worked very hard to increase allocations of the Justice Department from the $70 million they use on an annual basis to investigative white-collar crime. I think the four of us worked very hard to increase the allocation by $35 million to $105 million, which President Bush, as I recall, resisted.

□ 1810

We have since learned that in the 2 subsequent years after that, $105 million was allocated, and they did not use the money. It is not like there were not crooks out there to go find.

We see Michael Milken walking away from a crime that Bill Seidman estimated would cost the American taxpayer between $5 and $7 billion, walking away with a $500 million fine, leaving himself with $500 million in his back pocket to squeeze by for the rest of his life.

It just seems to me that with 25,000 cases filed in the Justice Department, about 2,000 of them have been acted upon, and we see the average length of jail time served in the United States for white-collar crime, and when you rob a bank in this country with a fountain pen, you serve about 2 years. If you rob a 7-Eleven or a bank with a gun, you serve five times as long. It is about time, I think, this country begins to get serious about where the real crime is in this country.

We are going to hear great debates in the next few months about fat black women on welfare that are considered the problem, when the reality is there are an awful lot of white-collar criminals that are ripping this system far beyond what any welfare mother with dependent children might be taking the system for that are going to be walking away scot-free.

I think if we are serious about getting the RTC under control, and this is an agency, that as I recall in 1990 came before the Chamber, and saying they were going to be bankrupt without a penny to bail out savings and loans unless we gave them, I believe it was $25 billion. That amendment was defeated on the floor of the Congress shortly before the Christmas break. Somehow or another they found $18 billion in their back pocket to get them through between, I believe, October and the following April or March. This time they tell us, "We are about to go bankrupt." They find not only the $3 billion, and first, about 3 days ago, they found $2 billion, and today they released the fact that it was $3 billion that they had in their back pocket, and they also, as I understand, as of this afternoon they now claim they have 5 billion dollars' worth of borrowing authority, and Treasury this evening says that they can sell off their working assets to increase their working capital.

So we are left this evening with the notion that they have $8 billion despite the fact they came before our committee and came before the Congress of the United States indicating that they would be bankrupt unless we acted on their issues just last week.

I think that it is very important that we begin to take some action. My own sense is that we ought to keep this agency on a very short leash. Either they are the worst bookkeepers, the worst accountants in the history of the world, or else they are simply corrupt, and I would tend to believe that it is gross incompetence, or real deceit, that is taking place on behalf of that agency with regard to their complete disdain for the congressional oversight.

I would like to take this opportunity to remind colleagues that might not be in the Chamber but might be listening that the reality of what we are looking at here is an agency that right now we do not hear a lot about, but believe me, when the reporters of this country 3, 4, 5 years from now, when investigators from various judicial offices have an opportunity to go and investigate this agency, we are going to find case after case of needless waste of taxpayer dollars as a result of either incompetence or perhaps even corruption on behalf of this agency.

I believe that it is incumbent on us to keep them on as short a leash as we possibly can. I feel strongly we ought to endorse the notion of the financial consumer associations around this country to give local jurisdictions, to give ordinary people a right to oversee what is going on in local neighborhoods, to oversee what is going on by this agency in terms of how it disposes of property and to give direct input so that people can have an understanding of how fast real estate is being sold, how slow it is being sold, to whom it gets sold. They are going to have a better idea of who these developers are than we have here in the Congress of the United States.

I also think that it is time that we get the RTC to fully streamline its operations and computerize its operations.

Last but not least, I appreciate the time the gentlewoman is providing me here this evening, but I just think that this notion that we are going through right at the moment that in the case that somehow or another it is up to the Congress of the United States, particularly the Democrats who control the Congress of the United States, to come up with the funding mechanism that is necessary to keep the RTC going while every single time we provide that funding mechanism, the Republicans do not give us a single vote to get the bill passed.

The reality is that if they have got some problem and they are not just trying to play a political game with the American people and on their emotions about the cost of this bill, they ought to tell us up front, both the White House as well as the ranking Republicans on the Banking Committee or the ranking Republicans on this side of the aisle ought to be willing to come forth and lay out to us what conditions they want. If they want the McCollum amendment to say they want the opportunity of bailing out brain-dead savings and loans, savings and loans that are technically bankrupt but they want to infuse into those institutions taxpayer dollars and take the chance that somehow they are going to resurrect themselves and grow out of this

problem, if they want to do that, then I think our chairman, the gentleman from Texas [Mr. GONZALEZ], ought to give them the opportunity. Let them have the vote, and we will see whether or not 2 or 3 years from now the American people feel that that was the right and proper thing to do. I am not going to vote for it, but I believe they ought to be given their day in court.

We ought to go on and get this bill passed. Keep them on a very short leash by providing them with short amounts of dollars and make certain that those dollars are paid for on a pay-as-you-go basis. And while every other program in this Congress, if we are providing health care, housing, or education or energy or crime has to be paid for this year, but somehow we can sit back and allow the savings and loans to be paid for not by our children but by our grandchildren, because our generation of Americans is unwilling to stand up to the plate and pay for our bills as they come due today. I think that is outrageous. I think we ought to stand up and get the job done.

I thank the gentlewoman very much.

Ms. KAPTUR. I thank the gentleman.

You know, two of the points the gentleman raised as far as paying the bills on this, my problem with this entire bailout scheme from the day it started, the pre-1989 institutions and the post-1989 institutions, was the fact that the Banking Committee did not have jurisdiction on the financing issue. That was in the Committee on Ways and Means, a committee that was never engaged as we moved forward to try to find a solution to this.

So what happened was the Bush administration's bond scheme where they literally put a mortgage on the people of the United States of America for 30 years costing us over $4 billion just to pay interest due on the bonds that have been floated, that is the way that they chose to finance the bailout of depositors in this country, and yet there were so many alternatives that were available in order to find money to bail out depositors, but they did not choose to do that because it was a lot easier to try to hide the financing scheme in the general Treasury securities offerings which were bought by the bond houses, and only about 10 percent of the American people, as well as foreign bond buyers who can bid on those Treasury security offerings. So what we have done is we have taken a tremendous transfer of wealth that comes from taxpayer dollars that are inflowing into the Treasury, and then they go right back out to pay the interest to the bondholders.

I just stress again that this is now the fifth largest item in the budget of the United States. The transfer of wealth here that is occurring is absolutely historic. It is an untold story, and the Members who are here this evening long past the dinner hour in Washington, DC, are trying to help enlighten the American public on what is really going on here.

What we are talking about is a solution that was imposed several years ago when the Bush administration first sat in office, and one that has fundamentally never been changed.

Rather than just trying to prop up sick institutions through this bond scheme where we are taking money out of the pockets of the American people and giving it to the bond houses, and then the bond houses providing immediate cash for depositors through those bond sales, there are other ways to go about solving this problem. This House never debated other solutions.

The bond solution was the only one that was presented on this floor.

I will be offering later this evening as a part of this bill an alternative financing mechanism, but in addition to what I will offer, there have been proposals offered to impose taxes on those responsible for much of the mess that we are facing.

The gentleman from New Jersey [Mr. GUARINI] and the gentleman from Massachusetts [Mr. DONNELLY] have a bill to impose taxes to prohibit the double-dipping that is occurring by savings and loan institutions through our Tax Code. That could recover several billion dollars over the next 5 years. The gentleman from Pennsylvania [Mr. KANJORSKI], also a member of the Banking Committee, has proposed an alternative minimum tax that would be placed on foreign corporations operating in this country, not just banking corporations, but other corporations. At a minimum, he projects that that could raise $30 billion, companies that are not now paying taxes because of transfer pricing mechanisms.

□ 1820

That is a method of getting revenue that could be devoted toward the savings and loan bailout. In addition to that, Congressman HOWARD WOLPE and myself and others sponsored legislation that would ask States that were truly negligent in regulating their savings and loans to pay a small portion of the cost of the bailout. But we were never permitted to consider alternative financing schemes. That is one of the tragedies of this legislation that history will tell.

One of the other major initiatives that has been introduced in the Congress by Congressman BILLY TAUZIN of Louisiana is really, in a way, so profound and yet so simple, and that is we spent so much time trying to get money to prop up sick institutions while at the same time we have done very little to make institutions healthy. Part of this legislation incorporates his bill that would provide a sentence in the Tax Code to permit individual citizens to accrue funds in tax-free savings accounts that would help stimulate a flow of capital to make sick S&L's healthy and to make healthy S&L's even healthier.

I was astounded—and I see Congressman TAUZIN joining us this evening—to look at the amount of money that has moved out of savings and loans in this country and into credit unions, for example—and I am not against credit unions by any stretch of the imagination, I am a big supporter—but the entire system is working against deposit inflows into savings and loans. The gentleman's idea is so critical, so important, it is amazing to me that the leadership of this institution would not have brought it up the day it was introduced.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentlewoman for this time and I thank the gentlewoman for taking this special order and for the attention and the enormous energy she has paid to this problem that seems to grow rather than to go away, and also acknowledge the excellent work of the chairman of the Task Force on Banking, the gentleman from Minnesota [Mr. VENTO] and for his excellent statement today.

If there is one group of Americans who is most at risk here in this debate, it is the American taxpayer. As the gentlewoman has pointed out, we have begun to finance this bailout not simply upon the taxpayers of today but upon the taxpayers of tomorrow and tomorrow and tomorrow by bonding out this debt. We have literally condemned our children and grandchildren to pay for this enormous bailout because we made a commitment to the depositors in the S&L's and banks that failed in America.

How do we go about rescuing them? How do we go about insuring that this does not happen again? That is very important. It occurred to us several years ago, in fact the then-Speaker of the House, Jim Wright, was a cosponsor of the bill then, that one of the ways to insure healthy savings and loans, healthy banks, healthy credit unions for that matter would be to insure that those institutions insured with taxpayer dollars had a ready source of, indeed, money that would be available to loan out at respectable rates to the American public in the course and scope of their businesses. S&L's, banks and credit unions are just like other businesses in America, they deal in a product and a service. Their product happens to be money.

The margin of profit is determined by the difference between the cost of their money and the price at which they loaned out to the American public. That differential is what makes them profitable and keeps them sound.

If the cost of their money is exorbitant, if it is too high and they cannot loan it out at rates in order to make a profit, they fail. In essence it is that

simple a mechanism, although there are much more complex mechanisms involved in the process of running an S&L or bank or credit union. It is that simple difference, the cost of money and the price of money when you loan it out.

Now the cost of money is the interest they pay on the accounts; the price of the money is the mortgage rates they charge us when they loan it back to us. That differential is their profit.

S&L's used to have a thing called regulation Q. That guaranteed to them they would always have a low-cost source of money. Regulation Q was a set rate by which S&L's paid interest to us on the thing we most loved in America called our passbook accounts.

The passbook account was loved by Americans because it was a simple account. There were no restrictions on it. We could put money in it when we could afford to and if we needed it we could withdraw money. The Government did not tell us we had to keep it in for so long, it did not tell us why we had to keep it there and it did not tell us when we could take it out and it did not penalize us for taking it out when we needed to.

So it was a good, simple and very effective means by which Americans saved money and S&L's got low-cost money with which to make low-cost loans available to us for housing and the other things that S&L's loaned us money for.

Regulation Q, as you know, was repealed, all of this effort to change the structure of the S&L's, the banks and to make them all look alike in America.

Part of the result was that the cost of money went up dramatically to S&L's in America. The cost of money to bank's, S&L's, reached astronomical heights with inflation. The result was high mortgage rates, with one chasing the other to the point where this country felt an awful situation about 1980 when inflation was running at about 15 percent, 13, 14, and interest rates were running on the prime at 21½. We were in an awful mess.

Well, one of the things we thought might really work again, not only for American taxpayers but American savers and for banks and S&L's, was to give them a chance once again to have a low-cost source of money. If they only had that guaranteed low cost source of money regularly flowing in maybe they could make low-cost loans available to us, maybe in fact they could survive at a healthy pace instead of collapsing as they have and this up and down interest rate inflation pace we have been in.

And so we offered a bill sometime ago called the save America plan. What it simply did was to say if Americans have the chance again to save in a tax-free interest account, a tax-free passbook account, that the tradeoff would be that the interest on that passbook, that tax-free passbook account would be regulated, controlled. It would never exceed the T-bill rate in America. In fact, it would always be some factor below the T-bill rate so there would always be a low-cost source of money for banks and S&L's and credit unions, but it would always in fact be an interest-free account and an account that would have all the flexibility of a regular passbook account that we grew so used to, the kind of flexibility that Americans need frankly in this kind of an economy: Put it in when you can, take it out when you need it, no Government restrictions on time, no Government restrictions on when or how you use your money.

So we offered this bill, the save America plan, with the notion that if we could give American savers the chance to earn some tax-free interest in a passbook account that was purely flexible and indeed the kind they were accustomed to, simple in nature, yet one that Americans knew, loved and understood, that it could provide the source of low-cost money to banks, S&L's and credit unions, that would keep them sound, allow them to make low-cost mortgages available to us in America so that we could continue to grow; grow houses, grow businesses, grow farms, grow factories, grow jobs.

Mr. Speaker, it makes sense. So we proposed it several years ago. Many cosponsors came on board. Everybody at the Committee on Ways and Means said, "What a nice idea, but this is never going to happen."

Well, I want to congratulate the gentlewoman from Ohio and the gentleman from Indiana [Mr. JONTZ] for picking up on what I think is a good idea, for picking up on it because it serves I think a purpose that the bill reforming the RTC is all about. It serves the purpose of in fact providing help to S&L's, so that taxpayers do not have to come in and rush into the emergency room with another infusion of $100 billion more. Rather, when we provide help to S&L's with a low-cost source of money derived from savers in America who desperately would love to have a place to save money without paying taxes on the interest, something we ought to encourage in America, if we can put that plan together than we can create healthier S&L's. Healthier S&L's mean less RTC money for bailouts, less failures in S&L's, banks and credit unions, it means a sound economy for us all.

So I want to congratulate the gentlewoman for picking up on the idea, for including it in this reform package because it is the kind of idea, I think, as the gentlewoman spoke just a minute ago, an idea that says there are alternative ways of protecting, enhancing and saving the S&L business in America without bonding and mortgaging the future of our children and grandchildren into a debt they may never come out from under.

I again congratulate the gentlewoman for picking up on the idea. I think frankly if this Congress ever had a chance to vote on a simple thing like that, a simple plan to give American savers a tax-free interest account to save their money, a simple one that they understand and one that would provide low-cost money to banks and S&L's in America, a lot of these problems could have been avoided and certainly would be avoided in the future.

Ms. KAPTUR. I thank the gentleman very much. I think the gentleman's explanation was so clear. It also provides equity to the American people. They are the ones that are being asked to pay the cost of this. What are they getting in return? If they are a depositor, yes, their account is being bailed out in essence. But the rest of the people are not benefiting from the enormous burden that they are being asked to bear. I really do not think the people fully understand how many years they are going to bear this burden, and that the wealth is being transferred from them to very few bondholders of this country.

□ 1830

What the gentleman is talking about is providing equity and some return to the very people who are paying the bill. Why is that a revolutionary idea? It is the type of reason we had the Boston Tea Party in this country, and it is the reason that savings and loans were first set up, to provide a form of savings, which is another issue that we seem to have forgotten about in this country. Everyone talks about it. The gentleman's bill would create the incentive for savings.

Mr. Speaker, I say to the gentleman from Louisiana [Mr. TAUZIN] that I wanted to mention I checked over at the Treasury before this special order this evening because I had this feeling that there is a desire to move away from providing financial benefits to other citizens, and I checked the U.S. savings bonds sales over at the U.S. Department of Treasury because they have changed the way they sell these bonds. They are no longer available in banks, and savings and loans, and credit unions. It is very hard to buy a savings bond, to walk in any place now, get it and walk out with it.

In fact, in my State of Ohio one cannot do that anymore. The individual sales of savings bonds has been cut in half. The Bush administration, at the same time as it favors its bond buddies on Wall Street, and even over in Tokyo, is restricting the sales of U.S. savings bonds to the American people. The average citizen cannot buy these securities that are generally offered in $10,000 denominations and above. My neighbors in Ohio, they cannot go in and buy those securities. They do not have enough money.

Yet, Mr. Speaker, the gentleman has an idea that would benefit the average citizen, the kind of idea that Washington does not want to accept because he is trying to turn the system back to the American people, and I want to compliment him for being on board early on with that idea and not giving up on it over the years in the face of enormous opposition in this Nation's Capital.

I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the paybacks are enormous. The first payback is that, while we tell our children it is a good idea to save money, in the current Tax Code we penalize them. We tax the interest they earn. We encourage consumption rather than savings.

Second, by creating low-cost money for banks and S&L's, the amount we save in RTC bailouts will more than cover what we lose in Treasury collections from the interest on those accounts.

We have got some CBO numbers on that that illustrate that. When we create a source of money for S&L's at several points below the T-bill rate, we create a pulled-down pressure on mortgage rates in America and, thereby, save money for mortgage holders. Those of us who hold adjustable rate mortgages find our mortgage rates coming down, and guess who the biggest mortgage holder in America is. It is the American Government.

Mr. Speaker, the rate of financing our own debt comes down if we make low-cost money available in America again instead of high-cost money. This simple mechanism can have a 10-to-1 or better payback to the American Treasury if we simply give Americans, all of us, workers all, a chance to save some of our income in a tax-free account, and what it does for S&L's, and banks and credit unions is it gives them low-cost money they need to return to us low-cost mortgages and a growth economy.

Again, Mr. Speaker, I am delighted the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Indiana [Mr. JONTZ] have agreed to include this part in their reform bill to make the S&L's, and banks and credit unions safer places, healthier places, for us to deposit our funds.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Louisiana [Mr. TAUZIN] for those citizens who are listening in order to promote his piece of this legislation, as well as the entire reform bill.

The number of the bill is H.R. 4924, the RTC Reform Act of 1992, and I wanted to in addition highlight the gentleman's savings proposal, and I wanted to highlight just one additional portion of the RTC reform bill, which is the Citizen Restitution Bond Act which has been separately introduced by myself and has several cosponsors in the Congress, and the purpose of this provision of the bill is to democratize the current bond offering that is being floated to fund the RTC and to let the American people earn some of the interest from this whole mess rather than just taking their tax dollars and paying that interest to bond holders.

Now the bond scheme is not my favorite way to finance the RTC bailout. However I think a piece of the financing should come from bond sales, but I think those bond sales should be to the average citizen. In fact, if it were up to me, I would order the U.S. Post Office, which has the capability of selling this within 30 seconds over their teller windows, to sell these bonds to the American people, as well as every other financial institution in the country.

As the many listening tonight know, the securities that are now financing the RTC are a mix of Treasury notes, bills, and bonds with a disproportionate emphasis on those securities available in denominations of $1,000 to $10,000. To refocus that emphasis, the portion of the bill that I have offered, the Citizen Restitution Bond Act, directs the treasury to issue and advertise bonds to finance the bailout that average citizens can buy in denominations as small as $100. The citizens' restitution bonds would yield 5 percent more than the standard return on U.S. savings bonds to make them an appealing investment and to furnish the small investor with the return closer to the rate that even foreign investors and big bond buyers get with the current Treasury offerings. Also the bonds would be available through the payroll and Treasury direct systems to encourage a regular pattern of savings critical to raising our low savings rate and freeing us from dependence on foreign sources of borrowing.

Most important, Mr. Speaker, the bonds would allow the small saver to benefit first from the interest on the bailout borrowings. That means average citizens of this country would benefit, not the big bond buyers on Wall Street, and so cumulatively what we are offering as a set of Members this evening with H.R. 4924, the RTC Reform Act of 1992, makes common sense, but it makes common sense for the average citizen, not the wealthiest of our citizens, not the most capital rich of our citizens who sit on Wall Street, but the average American taxpayer.

Mr. Speaker, we know we have to take care of depositors, but we feel that, if we have to help pay for it, then, in fact, they should more directly benefit and have a chance to earn the interest that others are earning now. They should have a chance to be able to create a savings account where they do not have to pay the interest on the first $1,000. They should also have the right, as taxpayers, to have the Justice Department bring to trial and prosecute those who have done wrong in this situation, and our own Justice Department has only recovered 1 percent of the restitutions ordered in the cases that have gone to trial. That is wrong.

We have heard support this evening for the affordable housing provisions of this bill. We have heard support for the environmental provisions of the bill. And we have also heard from the gentleman from Massachusetts [Mr. KENNEDY] about creating a citizens financial system within the country similar to our PUCO's, our regulatory agencies for utilities, so citizens would have some voice over the regulations and operations of the financial institutions across this country. The average American taxpayer did not cause this mess. If they have to pay for it, they should benefit directly, and that is what this bill is all about.

I challenge those in power in this institution and those who want to be to seriously consider the RTC Reform Act of 1992. It is a great way to say, "Thank you," to average taxpayers for the multibillion-dollar burden Uncle Sam is asking them to bear. I invite my colleagues to join us in cosponsorship of this legislation, and I thank all of those who have participated with us this evening.

OUR NATION IS IN GREAT PAIN

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 60 minutes.

Mr. MFUME. Mr. Speaker, I will not take the entire 60 minutes this evening, but I will take the time that is required to talk this evening to try to make a point about this very, very ugly situation that we have come to know as the Rodney King affair and the fact that, as a nation, we are troubled this evening and in great pain. That pain is born out of the seeming inability, after almost 200 years, to come to grips with the issues of race in this country and to find a better and brighter way for all Americans to live, but, more importantly, to live together.

When an injustice goes uncorrected, it becomes an evil.

□ 1840

In my opinion, the Rodney King verdict is evil. Only the most foolish among us could say that 56 blows with a metal baton is not excessive force for a swarm of officers trying to fix handcuffs on a kneeling man who was already dazed from the shock of a stun gun.

The fact that the jury reportedly came to its conclusions early makes all of this even more revolting. This is one of the most disgusting displays of courtroom injustice since 1955, when a Southern jury set free two men who later, once they were beyond the reach

of the law, casually confessed to the lynching, to the murder, of Emmet Till.

Still the particulars of this case are not so important as the reverberations that are occurring across this country today. For if we are lucky, this might in fact cause all of America to take a fresh and a new look at racism, long after it has grown weary of black charges of discrimination and second-class citizenship.

I believe that there has always been the expectation on the part of the larger society that if in fact opportunities were provided, African ancestored Americans could work their way out of poverty. But some Americans who feel that we have been given that opportunity and who feel that racism has been subdued in this country and that affirmative action is sufficient to overcome the residue of past discrimination is no longer needed, may in fact be alarmed to see one of the most obvious examples of overt institutional racism since the 1960's.

Perhaps this event might in fact persuade them that we have not graduated from the entrenched racism of the past, because anyone who saw the Rodney King beating and heard the verdict knows, unfortunately, that racism is still alive in America, and knows also that it imposes enormous barriers to African ancestored Americans seeking, as we do in this country, some semblance of justice.

Among some there seems to be even today a conspiracy to deny this. Recent Federal court cases show the Reagan-Bush judiciary now requiring African-Americans to prove that affirmative action programs and that minority set-asides and scholarship programs and court desegregation orders redress inequities. They have to prove now they are due to past discrimination.

In my own State of Maryland the University of Maryland at College Park has been told by the Fourth Circuit Court of Appeals that its race-based scholarship program is unconstitutional, and that unless the school can prove that the scholarships remedy the lingering effects of past discrimination, that they ought to be abolished.

How in the world can people prove that they are the victims of past discrimination, if in fact Rodney King cannot prove he was the victim of excessive force?

Second, the language of recent court opinions focuses on remedying past discrimination, as if in fact that was the only kind that exists. The King verdict has shown us today's discrimination, and it has shown it to us in the criminal justice system.

Elsewhere, a recent Federal Reserve Board report shows that same kind of discrimination in mortgage lending. The Home Mortgage Disclosure Act revealed evidence that in this country African-Americans are two to four times more likely to be rejected for mortgages than similarly situated whites, and that higher income black people are rejected for mortgages more often than low-income whites. Disparities exist that cry for attention.

Right now we know regardless of where we are in this country that public school funding formulas nationwide are rigged to guarantee rich schools for rich students and poor schools for poor students, regardless of their color.

Among the few weapons that we have to combat this persuasive institutionalized discrimination are affirmative action programs, the scholarships that I spoke of earlier, all of which is under fire from a growing segment of our Nation and under fire from an increasingly conservative judiciary.

Rodney King was beaten excessively for no good reason. So if there is to be any good to come at all from his beating and this acquittal, let it be that all of us in America stop talking about past discrimination and past racism. Let this trial force all of us today to confront the racism of today and understand the affirmative action programs, and understand that minority set-asides and desegregation plans are not meant to redress only some kind of past racism. Let us also understand that in many respects they are not even sufficient enough to redress the racism of today.

In fact, many of us of African ancestry would happily sacrifice all of those programs if we could be guaranteed, as all Americans should, that from this point forward there would be no more discrimination in school funding, mortgage lending, employment opportunity, and other traditional paths that lead out of poverty.

I looked at the television today and, like most of you around this country, was pained by the awful displays of violence that too often mar the landscape of this Nation. I pain like most of you at the fact that it even had to occur at all.

I remember, like some of you, the riots of 1968, when as a young man, feeling the pain and anguish of a murder of a leader which would well up in me, running out on the streets of my neighborhood and seeing fires, looking at my friends and seeing them sitting on curbs crying, and looking outwardly to this Capitol for some sign of relief. Those were terrible and awful days.

All of us in some kind of way, whether we are linked to them or not, would like to believe that they are in fact behind us. But we look at television tonight and we know that they are not.

What is even more tragic for still others is the kind of pain that I felt, talking to my oldest son, 22 years of age, trembling, upset, not understanding and not being able to come to grips with a verdict that cries out for some sort of explanation, and seeing myself again 24 years later represented in him understanding that as we are all being called to our graves, I do not want to go there knowing that nothing has changed in this Nation. I do not want to go knowing that this Nation has not learned the lessons of the past.

There has to be an end to the violence that is taking place on the streets of Los Angeles, the wanton indiscriminate acts of violence against innocent people who have done nothing more than what Rodney King did—they happened to be in the wrong place at the wrong time.

We have to find ways to channel that anger, which is justified and understandable, in ways to creatively come up with ideas and action plans that move us beyond this point, and hopefully move us beyond forever, so we are able to effectuate real change.

□ 1850

I understand that anger. I understand that frustration. I understand even more that unless we do something to change the situation that we face, we will, in fact, be doomed to repeat it.

Today many of us called on the President of our Nation and on the Attorney General to immediately institute charges against the officers following this acquittal based on the fact that we clearly believe that there was a violation of Mr. King's civil rights and the civil rights laws of this Nation. We expect due process, and we expect this Attorney General and this President to hear those pleas, to recognize the need now for some sort of action and then to move with great dispatch.

Too many feel that justice stills wears a blindfold in too many instances. Too many know that pain is real, that the misery index in our country is increasing, not decreasing.

Some of us came to this body, coming here as we did believing that we would effectuate change for all of America, not the least of which are the downtrodden and the disposed and the dispossessed, people who despair and who look with disdain at the dangerous drift that this Nation has given itself into. They do not want educational shell games. They cannot understand inadequate, unaffordable housing. They do not understand the lack of concern about the need to have adequate prenatal care and nutrition programs for women and children in this Nation. They do not understand the concept or the academic arguments put forth that justify our deliberations hour after hour to find money for the space station and to bail out the S&L's but not time and money or debate to deal with the serious issues of drugs and disease that are wracking the bodies of millions of Americans, even as I speak, the problem of crime, the problem of misguided priorities.

The President says in those respects we have more will than wallet. The

President lies. It is a misnomer. If we had that will, we surely would demonstrate it, and we have not. So the real fight this evening and the evenings beyond this is for the heart and soul of America, but an America where all people have due process and equal justice, to fight for the soul of all of us who live and breathe in this day and age and who know better.

We must be open and honest with our hurt and our pain. We have to have avenues to vent this frustration but they must be creative avenues. We must take time to talk with one another, old and young, black and white, from every section of this country, to talk about this tragedy that grips us as a Nation and to be able, out of those discussions, to move beyond it, not to hide things as if they do not exist.

We know that racial polarization in America is increasing, not decreasing. We have to talk about that. We have to confront that. We know that racial disparities in mortality tables and income and education and health access, those disparities are real.

We have to confront them. We have to learn the awful lesson of the Kerner Commission, that 24 years ago, in its report to President Lyndon Baines Johnson, said, "We are quickly moving towards two societies: one black, one white, separate and unequal," and that we still have the power and the capacity to prevent that.

Twenty-four years later, we have yet to come to grips with that report.

We all hurt, black, white, brown, red, and yellow, those of us who have come to this country freely and those who came against our will, those of us who believe that justice for all must be justice for each one of us.

We hurt, and we cry out for change. We wonder when that change will come.

But for some of us, we must be prepared also never ever to give in. This issue, this acquittal in the Rodney King case is a burden that we all must bear. It is also perhaps the greatest challenge that God has put before us. It is a challenge to take a situation that is real and ugly and to find a way to correct it and to set and make it right again.

I come here, Mr. Speaker, not necessarily with words to talk about programs and initiatives this evening, although I believe they are necessary and long overdue. I come to challenge all of us in this body, and more importantly all of us around this country, to take this understandable anger that we feel and to join hands and to find a way to make it right and to make sure that not just Rodney King but that everybody and everybody's child grows up in an America where they do not expect and will not come to expect that for them there will be a double standard of justice and for them a vulnerability that dares to threaten their survival in this Nation that I believe is the greatest nation on the face of the Earth.

We have to live up to the true meaning of our legacy when we say that we hold these truths to be self-evident that all people are created equal and that they are endowed by their Creator with certain unalienable rights and that among these shall be life and liberty and the pursuit of happiness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, today.
Mr. DREIER of California, for 5 minutes, today.
Mr. PAXON, for 60 minutes, on May 6.
Mr. RIGGS, for 60 minutes, each day on May 5, 6, and 7.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. GEJDENSON, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MFUME, for 60 minutes, today.
Mr. REED, for 60 minutes, on May 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. CLINGER.
Mr. BROOMFIELD.
Mr. MCGRATH.
Mr. MICHEL.
Ms. ROS-LEHTINEN in 10 instances.
Mr. SAXTON.
Mr. RINALDO.
Mr. SCHAEFER.
Mr. THOMAS of California.
Mr. REGULA.
Mr. GALLO.
Mr. GILMAN in 2 instances.
Mr. SMITH of New Jersey.
Mr. SENSENBRENNER in two instances.
Mr. LAGOMARSINO.
Mr. GOODLING.
Mr. BATEMAN in two instances.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. PETERSON of Florida.
Mr. LEVIN of Michigan.
Mr. SAWYER.
Mr. DINGELL.
Mr. YATRON.
Mr. CLEMENT in two instances.
Mr. BONIOR in two instances.
Mr. MAZZOLI in two instances.
Mr. ROWLAND.
Mr. ROE in two instances.
Mr. LEHMAN of California.
Mr. FRANK of Massachusetts.
Ms. OAKAR.
Mr. STOKES.
Mr. DELUGO.
Mr. THOMAS of Georgia.
Mr. HALL of Ohio.
Mr. MATSUI.
Mr. BROOKS.
Mr. GORDON.
Mr. DOWNEY.
Mr. LIPINSKI.
Mrs. BOXER.
Mrs. LOWEY of New York.
Mr. ROYBAL.
Ms. HORN.
Mr. FAZIO.
Mr. HAYES of Illinois.
Mr. HERTEL.
Mr. MANTON.
Mr. STARK.
Mr. SANGMEISTER.
Mr. SWETT in two instances.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to impose debarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes, and

H.R. 3337. An act to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes.

ADJOURNMENT

Mr. MFUME. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.) under its previous order the House adjourned until Monday, May 4, 1992, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of committees of the U.S. House of Representatives concerning the foreign currencies used by them for official foreign travel during the fourth quarter of 1991 and the first quarter of 1992 pursuant to Public

Law 95–354, as well as reports of miscellaneous groups concerning foreign currencies used by them during the 1991 calendar year are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Evans		12/11	United States				2,639.60				2,639.60
	12/12	12/14	Poland		384.00						384.00
Committee total					384.00		2,639.60				3,023.60

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, Apr. 27, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Esteban Torres	1/5	1/8	Russia		[3] 1,264.00						
	1/8	1/12	Portugal		1,100.00		[4]				1,100.00
Committee total					2,364.00						1,100.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned $246.
[4] Military transportation.

HENRY GONZALEZ, Apr. 3, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
LaQuietta J. Hardy-Davis	2/4	2/12	France	4,827.27	889.00		387.86	3,648.96	672.00	8,476.23	1,948.86
Committee total					889.00		387.86		672.00		1,948.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.CHARLIE RO

CHARLIE ROSE, Apr. 10, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob McEwen	1/5	1/8	Russia		1,018.00		[3]				1,018.00
	1/8	1/12	Portugal		1,110.00		[3]				1,110.00
Committee total					2,118.00						2,118.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

JOE MOAKLEY, Apr. 5, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michael Amitay		2/7	United States				3,730.60				3,730.60
	2/8	2/12	Cyprus		500.00						500.00
	2/12	2/14	Greece		370.00						370.00
	2/14	2/16	Turkey		342.00				78.01		420.01
Elez Biberaj		3/17	United States				1,812.70				1,812.70
	3/18	3/25	Albania		496.00						496.00
	3/25	3/26	Belgium		218.00						218.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Evans		2/25	United States				3,305.00				3,305.00
	2/26	3/3	Yugoslavia		778.00						778.00
	3/3	3/4	United Kingdom		237.00		109.19				346.19
John Finerty		3/17	United States				3,663.70				3,663.70
	3/18	3/24	Russian Federation		1,017.00						1,017.00
Mary Sue Hafner		2/7	United States				3,730.60				3,730.60
	2/8	2/12	Cyprus		500.00						500.00
	2/12	2/14	Greece		370.00						370.00
	2/14	2/16	Turkey		342.00				78.01		420.01
Robert Hand		2/25	United States				1,756.70				1,756.70
	2/26	3/3	Yugoslavia		508.97						508.97
	3/3	3/4	Germany		188.00						188.00
		3/17	United States				1,812.70				1,812.70
	3/18	3/25	Albania		782.00						782.00
	3/25	3/26	Belgium		218.00						218.00
Representative Steny Hoyer		1/11	United States				[3]				
	1/12	1/14	Spain		526.00						526.00
Heather Hurlburt		1/5	United States				1,057.00				1,057.00
	1/8	1/11	Czechoslovakia		630.00						630.00
	1/11	1/19	Austria		1,424.00						1,424.00
	1/19	1/20	Russian Federation		297.33		[3]				297.33
	1/20	1/21	Byelarus		68.00		[3]				68.00
	1/21	1/22	Ukraine		208.00		[3]				208.00
	1/22	1/24	Turkey		253.40		[3]				253.40
	1/24	1/25	Austria		178.00						178.00
	1/25	2/1	Czechoslovakia		1,470.00						1,470.00
	2/1	2/11	Austria		1,340.10		1,041.11				2,381.21
	2/11	2/12	France		223.00						223.00
	2/12	2/14	Belgium		573.00						573.00
	2/14	3/7	Austria		2,832.21						2,823.21
		3/15	United States				1,253.00				1,253.00
	3/16	3/19	Austria		543.00						543.00
Michael Ochs		3/17	United States				3,663.70				3,663.70
	3/18	3/24	Russian Federation		1,070.00						1,070.00
Erika Schlager		3/6	United States				3,309.90				3,309.90
	3/7	3/11	Austria		684.00		59.73		124.00		867.73
	3/11	3/18	Czechoslovakia		1,820.00						1,820.00
Victoria Showalter		1/12	United States				3,676.00				3,676.00
	1/13	1/20	Romania		987.80						987.80
	1/20	1/21	Germany		238.00						238.00
		2/4	United States				1,955.60				1,955.60
	2/5	2/11	Romania		898.06						898.06
	2/11	2/12	Germany		238.00						238.00
Samuel Wise		1/7	United States				1,537.00				1,537.00
	1/8	1/11	Czechoslovakia		430.00		42.65				472.65
	1/11	1/14	Spain		513.00		15.65				528.65
		1/28	United States				3,220.60				3,220.60
	1/29	2/1	Czechoslovakia		530.00						530.00
	2/1	2/4	Finland		475.00						475.00
		3/10	United States				1,981.40				1,981.40
	3/11	3/18	Finland		1,584.00						1,584.00
Committee total					26,900.87		41,725.34		389.21		69,915.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft.

STENY HOYER, Apr. 27, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO–UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. E de la Garza, Chairman	5/10	5/13	Mexico		565.50		[3]				565.50
Hon. Ronald D. Coleman	5/10	5/13	Mexico		322.00		[3]				322.00
Hon. David Dreier	5/10	5/13	Mexico		314.58		[3]				314.58
Hon. William F. Goodling	5/10	5/13	Mexico		322.00		[3]				322.00
Hon. Jerry Huckaby	5/10	5/13	Mexico		399.75		[3]				399.75
Hon. Jim Kolbe	5/10	5/13	Mexico		300.00		[3]				300.00
Hon. Robert J. Lagomarsino	5/10	5/13	Mexico		312.54		[3]				312.54
Hon. Sid Morrison	5/10	5/13	Mexico		311.00		[3]				311.00
Hon. Charles W. Stenholm	5/10	5/12	Mexico		217.00		[3] 332.90				549.90
Hon. Robin Tallon	5/10	5/13	Mexico		311.00		[3]				311.00
Hon. Gus Yatron, Vice Chairman	5/10	5/13	Mexico		360.08		[3]				360.08
Elizabeth Daoust	5/10	5/13	Mexico		311.00		[3]				311.00
	10/28	10/31	United States		520.01		[4] 388.00				908.01
Marshall Livingston	5/10	5/13	Mexico		321.77		[3]				321.77
Shelly Livingston	5/10	5/13	Mexico		321.78		[3]				321.78
	10/28	10/13	United States		489.97		[4] 388.00				877.97
Milagros Martinez	5/10	5/13	Mexico		311.00		[3]				311.00
Gerald Pitchford	5/10	5/13	Mexico		311.00		[3]				311.00
Randall Scheunemann	5/10	5/13	Mexico		300.00		[3]				300.00
Mark Tavlarides	5/10	5/13	Mexico		366.90		[3]				366.90
Delegation expenses:											
Control room and inflight expenses									1,762.51		
Department of State language services and other administrative charges.									2,609.72		
Supplies and other stationery charges									870.37		
Official delegation functions									928.21		6,170.81
Committee total					6,988.88		1,108.90		6,170.81		14,268.59

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO–UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

[3] Department of Defense.
[4] Commercial transportation.

E de la GARZA, Chairman, Mar. 26, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA–UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. E de la Garza	5/23	5/24	Canada		331.61		[3][4]517.87				849.48
Hon. Sam Gejdenson	5/23	5/25	Canada		1,108.57		[3]				1,108.57
Hon. Sam Gibbons	5/23	5/27	Canada		1,200.93		[3]				1,200.93
Hon. Harry Johnston	5/23	5/27	Canada		825.39		[3]				825.39
Hon. John Miller	5/23	5/27	Canada		833.79		[3]				833.79
Hon. Jim Oberstar	5/23	5/26	Canada		482.23		[3]				482.23
Hon. Louise Slaughter	5/23	5/26	Canada		466.12		[3]				466.12
Hon. Frederick Upton	5/23	5/27	Canada		853.22		[3]				853.22
Hon. James Walsh	5/23	5/26	Canada		643.43		[3]				643.43
Andrea Adelman	5/23	5/27	Canada		621.73		[3]				621.73
Kathleen Bertelsen	5/23	5/27	Canada		651.50		[3]				651.50
Elizabeth Daoust	5/23	5/26	Canada		465.77		[3]				465.77
Advance trip Naples and Captiva Island, FL	8/6	8/8	United States		277.31		[3][4]548.00				825.31
Advance trip to Boca Raton, FL	8/22	8/26	United States		397.88		[3][4]502.00				899.88
Deborah Hickey	5/23	5/27	Canada		648.99		[3]				648.99
George Ingram	5/23	5/27	Canada		821.90		[3]				821.90
Vic Johnson	5/23	5/25	Canada		483.82		[3]				483.82
Randy Scheunemann	5/23	5/25	Canada		478.66		[3]				478.66
Michael Van Dusen	5/23	5/25	Canada		482.47		[3]				482.47
Miscellaneous delegation expenses									1,365.30		1,365.30
Reimburseable expenses									30.52		30.52
Committee total					12,075.32		1,567.87		1,395.82		15,039.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Department of Defense.
[4] Commercial transportation.

SAM GEJDENSON, Apr. 15, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, UNITED STATES/EUROPEAN PARLIAMENT EXCHANGE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gary L. Ackerman	6/21	6/22	United States		49.00		366.00				415.00
Hon. Doug Bereuter	6/21	6/24	United States		439.92		[3]				439.92
Hon. James Billington	6/21	6/24	United States		428.12		[3]				428.12
Hon. Thomas E. Coleman	6/21	6/24	United States		424.62		[3]				424.62
Dr. James Ford	6/21	6/24	United States		195.00		[3]				195.00
Hon. Sam Gibbons, cochairman	6/21	6/24	United States		435.93		[3]				435.93
Hon. Ben A. Gilman, cochairman	6/21	6/23	United States		280.17		[3][4]183.00				463.17
Hon. Frank Guarini	6/21	6/23	United States		290.62		[3][4]70.00				360.62
Hon. Marcy Kaptur	6/21	6/23	United States		268.00		[3]				268.00
Hon. Tom Lantos, chairman	6/21	6/24	United States		452.86		[3]				452.86
Hon. Bob McEwen	6/21	6/24	United States		427.62		[3]				427.62
Hon. Donald J. Pease	6/21	6/24	United States		414.81		[3]				414.81
Hon. Thomas C. Sawyer	6/21	6/24	United States		195.00		[3]				195.00
Hon. Dick Swett	6/21	6/23	United States		130.00		[3]				130.00
Hon. William M. Thomas	6/21	6/24	United States		413.31		[3]				413.31
Hon. Guy Vander Jagt	6/21	6/24	United States		280.31		[3]				280.31
Hon. Bruce Vento	6/21	6/24	United States		436.43		[3]				436.43
Hon. Robert Boyce	6/21	6/24	United States		147.00		[3]				147.00
Laura Byrne	6/20	6/24	United States		225.90		[3][4]205.50				431.40
Elizabeth Daoust	3/04	3/05	United States		72.20		[4]226.00				298.20
	5/30	5/31	United States		182.66		[4]386.50				569.16
	6/21	6/24	United States		147.00		[3]				147.00
	12/11	12/11	United States		99.50						99.50
Elizabeth Davidson	6/20	6/24	United States		229.43		[3][4]205.50				434.93
Michael Ennis	6/21	6/24	United States		147.00		[3]				147.00
Chris Kojm	6/21	6/23	United States		98.00		[3][4]124.00				222.00
Kay King	6/21	6/24	United States		147.00		[3]				147.00
Katherine Wilkens	6/21	6/24	United States		147.00		[3]				147.00
Kristine Willie	6/21	6/24	United States		147.00		[3]				147.00
Russell Wilson	6/21	6/23	United States		98.00		[3]				98.00
Official delegation expenses:											
Interpreting assistance									4,695.84		4,695.84
Ground transportation									4,330.00		4,330.00
Official delegation functions and administrative expenses.									29,200.95		29,200.65
Committee total					7,449.41				38,226.49		47,442.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Department of Defense.
[4] Commercial transportation.

TOM LANTOS, Apr. 1, 1992.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3394. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled "Public Housing Child Care Demonstration Program—Program Assessment: First Round," pursuant to 12 U.S.C. 1701z–6 note; to the Committee on Banking, Finance and Urban Affairs.

3395. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 13th report on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978, pursuant to 12 U.S.C. 3421; to the Committee on Banking, Finance and Urban Affairs.

3396. A letter from the Director, Office of Thrift Supervision, transmitting the 1991 annual report on enforcement actions and initiatives, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3397. A letter from the Director, Office of Thrift Supervision, transmitting the 1991 annual report on implementation of the Community Reinvestment Act; to the Committee on Banking, Finance and Urban Affairs.

3398. A letter from the Director, Office of Thrift Supervision, transmitting the 1991 annual report on the preservation of minority savings associations; to the Committee on Banking, Finance and Urban Affairs.

3399. A letter from the President and CEO, Resolution Trust Corporation, transmitting a report entitled, "Progress of Investigations of Professional Conduct through December 31, 1991," pursuant to Public Law 101–647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

3400. A letter from the President, Resolution Trust Corporation, transmitting a report on the Affordable Housing Disposition Program, pursuant to Public Law 102–233, section 616 (105 Stat. 1787); to the Committee on Banking, Finance and Urban Affairs.

3401. A letter from the Secretary of Health and Human Services, transmitting a report on the effectiveness of State programs and technical assistance relating to child abuse and neglect, pursuant to 42 U.S.C. 5106f; to the Committee on Education and Labor.

3402. A letter from the President, Institute of American Indian Arts, transmitting the 1991 Institute of American Indian and Alaska Native Culture and Arts Development annual report, pursuant to 20 U.S.C. 4422; to the Committee on Education and Labor.

3403. A letter from the Chairman, National Council on Disability, transmitting the Council's annual report covering the period from October 1, 1990, through September 30, 1991, pursuant to 29 U.S.C. 781(b); to the Committee on Education and Labor.

3404. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to authorize the Secretary of Labor to accept and utilize gifts, and for other purposes; to the Committee on Education and Labor.

3405. A letter from the Secretary of Transportation, transmitting the 16th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

3406. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend certain provisions of the Safe Drinking Water Act, as amended, for 2 years; to the Committee on Energy and Commerce.

3407. A communication from the President of the United States, transmitting a copy of his executive order taking additional steps pursuant to the national emergency declared in Executive Order No. 12543 of January 7, 1986, as a consequence of Libya's continued support for international terrorism, pursuant to 50 U.S.C. 1641(b) (H. Doc. No. 102–324); to the Committee on Foreign Affairs and ordered to be printed.

3408. A letter from the Inspector General, Commerce, Department of Commerce, transmitting the audit reports on the International Trade Administration's management of its Foreign and Domestic Service Personnel Systems, pursuant to 15 U.S.C. 4721; to the Committee on Foreign Affairs.

3409. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Israel that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

3410. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in March 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3411. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3412. A letter from the Director, Office of Management and Budget, transmitting the financial management status report and Governmentwide 5-year financial management plan, pursuant to Public Law 101–576, section 301(a) (104 Stat. 2849); to the Committee on Government Operations.

3413. A letter from the Secretary of Housing and Urban Development, transmitting the Government National Mortgage Association's [GNMA] management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3414. A letter from the Chairman, Tennessee Valley Authority, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3415. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Commerce on Interior and Insular Affairs.

3416. A letter from the Chairman, National Indian Gaming Commission, transmitting the Commission's final rule on key terms under the Indian Gaming Regulatory Act, pursuant to Public Law 100–497, section 7(c) (102 Stat. 2471); to the Committee on Interior and Insular Affairs.

3417. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1991, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3418. A letter from the President, American Academy and Institute of Arts and Letters, transmitting the annual report of the activities of the Academy-Institute during the year ending December 31, 1991, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

3419. A letter from the Treasurer General, National Society Daughters of the American Revolution, transmitting the report of the audit of the society for the fiscal year ended February 29, 1992, pursuant to 36 U.S.C. 1101(20), 1103; to the Committee on the Judiciary.

3420. A letter from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1993 and 1994 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3421. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Affirmative Employment Program Accomplishments Report, fiscal year 1991; to the Committee on Post Office and Civil Service.

3422. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3423. A letter from the Assistant Secretary of Defense for Production and Logistics transmitting a report on DOD's Metric Transition Program during fiscal year 1991 and on future plans under the metric transition plan; to the Committee on Science, Space, and Technology.

3424. A letter from the Administrator, Small Business Administration, transmitting the annual report for fiscal year 1991, pursuant to 15 U.S.C. 639(b); to the Committee on Small Business.

3425. A letter from the Secretary of Veterans Affairs transmitting a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

3426. A letter from the Secretary of Health and Human Services transmitting the Department's 1992 Social Security annual report including financial statements, pursuant to 42 U.S.C. 904; 30 U.S.C. 936(b); and 42 U.S.C. 1382(e)(3)(B); to the Committee on Ways and Means.

3427. A letter from the Secretary of Labor transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for period ending December 31, 1991, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

3428. A letter from the Acting General Sales Manager, Department of Agriculture, transmitting two additional commodities determined to be available for programming under Public Law 480 during fiscal year 1992, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

3429. A letter from the Director, Office of Management and Budget, transmitting the 14th report on United States costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102–25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

3430. A letter from the Secretary of Energy transmitting recommendations by the Defense Nuclear Facilities Safety Board with respect to public health and safety at DOE defense nuclear facilities; jointly, to the

Committees on Armed Services and Energy and Commerce.

3431. A letter from the President, Export-Import Bank, transmitting a summary report reviewing its overall small business programs; jointly, to the Committee on Banking, Finance and Urban Affairs and Small Business.

3432. A letter from the President, Resolution Trust Corporation, transmitting the March 1992 report on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section, pursuant to Public Law 101-507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

3433. A letter from the Secretary of Health and Human Services transmitting a report on the Indian Health Service with regard to health status and health care needs of American Indians in California, pursuant to Public Law 100-713, section 703 (102 Stat. 4827); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3434. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

3435. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting notification of a proposed reorganization of the National Technical Information Service, pursuant to Public Law 100-519, section 212(f)(3) (102 Stat. 2596); jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 2936. A bill to establish programs at the National Science Foundation for the advancement of technical education and training in advanced-technology occupations, and for other purposes; with amendment (S. Rept. 102-508, Pt. 1). Ordered to be printed.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 3360. A bill to amend the Federal Fire Prevention and Control Act of 1974 to promote the use of automatic sprinklers, or an equivalent level of fire safety, and for other purposes; with an amendment (Rept. 102-509, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRUCE:

H.R. 5033. A bill to reliquidate certain entries on which excessive countervailing duties were paid, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself, Mr. MICHEL, Mr. ANNUNZIO, Mr. POSHARD, Mr. HASTERT, Mr. LIPINSKI, Mr. HAYES of Illinois, Mr. SANGMEISTER, Mr. EVANS, and Ms. HORN):

H.R. 5034. A bill to amend the National Trails System Act to designate the Illinois National Historic Trail as a component of the National Trails System; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 5035. A bill to establish the Commission on Executive Organization; to the Committee on Government Operations.

By Mr. DYMALLY:

H.R. 5036. A bill to establish a South African-American Enterprise Fund; to the Committee on Foreign Affairs.

By Mr. GALLO:

H.R. 5037. A bill to amend the Truth in Lending Act to prohibit creditors from extending credit for any residential mortgage transactions under terms and conditions which are less favorable to the consumer than the terms and conditions disclosed to the consumer at the time of application for such credit, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING (for himself, Mr. MICHEL, and Mr. GUNDERSON):

H.R. 5038. A bill to revise the Federal vocational training system to meet the Nation's work force needs into the 21st century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; to the Committee on Education and Labor.

By Mr. HALL of Ohio:

H.R. 5039. A bill to ensure fair treatment of Department of Energy employees during the restructuring of the Department of Energy defense nuclear facilities work force, to provide assistance to communities affected by such restructuring, to provide medical examinations to certain current and former employees, to provide medical reinsurance for certain former employees, and for other purposes; jointly, to the Committees on Armed Services, Energy and Commerce, Education and Labor, and Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. MCGRATH, and Ms. SLAUGHTER):

H.R. 5040. A bill to reduce until January 1, 1995, the duty on certain watch glasses; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 5041. A bill to prohibit the lifting of the United States embargo of Vietnam; to the Committee on Foreign Affairs.

By Mr. JONTZ:

H.R. 5042. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for equipment or personnel moved outside the United States in connection with closing a business in the United States and to repeal the foreign tax credit; to the Committee on Ways and Means.

By Mr. KENNEDY:

H.R. 5043. A bill to reduce and standardize the leverage limit capital standard applicable to qualified banks on a temporary basis to stimulate the economy by encouraging bank lending to small- and medium-size businesses and to consumers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCGRATH (for himself and Mr. BOEHLERT):

H.R. 5044. A bill to provide for a temporary suspension for certain glass articles; to the Committee on Ways and Means.

By Mr. MCGRATH (for himself, Mr. GEPHARDT, and Mr. LEVIN of Michigan):

H.R. 5045. A bill to improve the enforcement of the antidumping and countervailing duty laws, and for other purposes; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 5046. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction from gross income for contributions to health services savings account; to amend the Social Security Act to provide for universal coverage of basic health needs for all Americans to expand Medicare to include preventive and long-term care services; and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. SAWYER:

H.R. 5047. A bill to amend title 13, United States Code, to require the Secretary of Commerce to prepare annual assessments of the progress being made by the former Soviet Republics and the Baltic States in establishing a free market economy, and for other purposes; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. SCHULZE (for himself, Mr. BUNNING, Mr. ANTHONY, Mr. MCGRATH, Mr. NOWAK, and Mr. MRAZEK):

H.R. 5048. A bill to amend the Internal Revenue Code of 1986 to provide the same amount of exemption from income tax withholding for all gambling winnings subject to withholding; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 5049. A bill to provide for improvements in access and affordability of health insurance coverage through small employer health insurance reform, for improvements in the portability of health insurance, and for health care cost containment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan (for himself, Mr. MARTINEZ, and Mr. SAWYER):

H.R. 5050. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure basic, affordable health insurance is available to all citizens through a UniMed Program; to the Committee on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. STARK (for himself and Mr. BREWSTER):

H.R. 5051. A bill to prevent and detect illegal and inappropriate drug distribution leading to increased health costs and drug abuse by allowing information on prescription of drugs that are controlled substances in schedules II, III, and IV, to be electronically transmitted to and collected by central repositories of designated State health agencies, to improve the confidentiality of patient records, and to ensure improved treatment of pain, mental health related needs, and other patient prescribing needs; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. SCHUMER, Mr. SCHEUER, and Mr. TOWNS):

H.R. 5052. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for the prevention, control, and elimination of tuberculosis; to the Committee on Energy and Commerce.

By Mr. REGULA:

H.J. Res. 477. Joint resolution designating May 14, 1992, as "50th Anniversary of the Women's Army Corps Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H. Con. Res. 314. Concurrent resolution expressing the sense of the Congress that long-term care benefits must be included in any health care reform legislation passed by the Congress; jointly, to the Committees on Energy and Commerce and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

410. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to small issue industrial development bonds; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HUCKABY, Mr. ZELIFF, Mr. HAMMERSCHMIDT, Mr. GILCHREST, and Mr. PARKER.

H.R. 66: Mr. WEISS, Mr. AUCOIN, Mr. JONES of North Carolina, Mr. CLEMENT, Mr. ACKERMAN, Mr. TOWNS, Mr. MANTON, Mr. SERRANO, Mr. MCGRATH, Mr. JEFFERSON, and Mr. CRAMER.

H.R. 187: Mr. FORD of Tennessee, Mr. MRAZEK, and Mr. MAVROULES.

H.R. 428: Mr. NEAL of North Carolina.

H.R. 431: Mr. BAKER, and Mr. WILLIAMS.

H.R. 501: Mr. BLACKWELL, Mr. FASCELL, Mr. RAHALL, and Mrs. COLLINS of Michigan.

H.R. 617: Mr. PENNY, and Ms. HORN.

H.R. 643: Mr. RICHARDSON.

H.R. 747: Mr. SWETT, Mr. DWYER of New Jersey, and Mr. LEHMAN of California.

H.R. 780: Mr. BEILENSON, Ms. PELOSI, and Mr. COX of California.

H.R. 784: Mr. KILDEE and Mr. GILCHREST.

H.R. 793: Mr. CONYERS.

H.R. 815: Mr. MANTON.

H.R. 917: Mr. LIVINGSTON, Mr. CAMPBELL of Colorado, Mr. ATKINS, and Mr. EDWARDS of Texas.

H.R. 1003: Mr. COBLE.

H.R. 1133: Mr. ATKINS.

H.R. 1200: Mr. TAYLOR of North Carolina.

H.R. 1218: Mr. GUARINI, Mr. ACKERMAN, Mr. GORDON, Mr. SYNAR, Mr. RAVENEL, Ms. OAKAR, Mrs. LLOYD, Mr. LUKEN, and Ms. HORN.

H.R. 1300: Mr. SAWYER.

H.R. 1335: Mr. MURTHA, Mr. DEFAZIO, and Mr. AUCOIN.

H.R. 1385: Mr. GEPHARDT.

H.R. 1472: Mr. LEHMAN of California.

H.R. 1497: Mr. NEAL of North Carolina.

H.R. 1502: Mr. PASTOR, Mr. TRAFICANT, Mr. SOLARZ, Mr. CAMPBELL of Colorado, and Mr. PETERSON of Minnesota.

H.R. 1536: Mr. SCHAEFER.

H.R. 1572: Mr. ORTON.

H.R. 1598: Mr. SPENCE and Mr. ACKERMAN.

H.R. 1624: Mr. KOPETSKI and Mr. GILMAN.

H.R. 1771: Mr. ABERCROMBIE, Mr. DOWNEY, Mr. ESPY, Mr. MAVROULES, Mr. ORTON, Mr. SISISKY, Mr. SOLARZ, and Mr. THOMAS of Georgia.

H.R. 1774: Mrs. BOXER.

H.R. 1943: Mr. BALLENGER.

H.R. 1992: Mr. WILLIAMS.

H.R. 2149: Mrs. MEYERS of Kansas, Mr. WILLIAMS, and Mr. MARLENEE.

H.R. 2782: Mr. MORAN, Mr. FEIGHAN, Mr. GEJDENSON, Mr. DICKS, Mr. ANDREWS of Maine, Mr. SWETT, and Mr. RINALDO.

H.R. 3138: Mr. ANDREWS of Maine and Mr. LANTOS.

H.R. 3250: Mr. HUGHES.

H.R. 3395: Mr. SHAYS.

H.R. 3450: Mr. RAHALL.

H.R. 3454: Mr. PERKINS.

H.R. 3459: Mr. BROWN and Mr. DURBIN.

H.R. 3470: Mr. NEAL of Massachusetts.

H.R. 3748: Mr. GEJDENSON, Mr. NEAL of Massachusetts, Mr. BROWN, Mr. PETERSON of Minnesota, Mr. ANDERSON, Ms. KAPTUR, Mr. LANTOS, and Mr. JONTZ.

H.R. 3876: Mr. FAZIO.

H.R. 3981: Mr. ATKINS and Mrs. BOXER.

H.R. 4076: Mr. OWENS of New York.

H.R. 4124: Mrs. LOWEY of New York.

H.R. 4136: Mr. MCCANDLESS, Mr. GUARINI, Mr. TOWNS, Ms. NORTON, and Mr. FOGLIETTA.

H.R. 4161: Mr. AUCOIN, Mr. SANGMEISTER, Mrs. MORELLA, Mr. DREIER of California, and Mr. EARLY.

H.R. 4175: Mr. SAWYER, Mr. SANDERS, Mr. PALLONE, Mr. ACKERMAN, and Mr. WISE.

H.R. 4190: Mr. PARKER, Mr. MARLENEE, and Mr. CLINGER.

H.R. 4213: Mr. OLVER and Mr. SAXTON.

H.R. 4218: Mr. CARPER and Mrs. UNSOELD.

H.R. 4244: Mr. RHODES and Mr. MCCLOSKEY.

H.R. 4253: Mr. HUCKABY, Mrs. BOXER, Mr. BROWN, Mr. CHAPMAN, Mr. ATKINS, Mr. BLACKWELL, Mr. BUSTAMANTE, Mr. EMERSON, Mr. TOWNS, Ms. PELOSI, Mr. JACOBS, Mr. DAVIS, and Mrs. UNSOELD.

H.R. 4259: Mr. KLECZKA, Mr. MATSUI, Mr. TRAFICANT, Mr. GEJDENSON, Mr. BROWN, Mr. SKAGGS, Mrs. LLOYD, Mr. WEBER, Mr. LEWIS of Florida, Mr. VOLKMER, Mr. MCCRERY, Mr. SKELTON, Mr. KANJORSKI, and Mr. TAUZIN.

H.R. 4271: Mr. MACHTLEY, Ms. MOLINARI, Mr. PERKINS, Mr. GILMAN, Mrs. COLLINS of Illinois, and Mr. BLACKWELL.

H.R. 4333: Mr. PAXON, Mr. RITTER, Mr. MACHTLEY, and Mrs. LOWEY of New York.

H.R. 4341: Mr. SENSENBRENNER.

H.R. 4406: Mr. GRADISON.

H.R. 4436: Mr. LIPINSKI, Mr. NOWAK, Mr. PERKINS, Mr. NAGLE, Mr. TRAFICANT, Mr. BACCHUS, and Mr. OLVER.

H.R. 4455: Mr. GUARINI and Mr. STOKES.

H.R. 4476: Mr. CHAPMAN.

H.R. 4482: Mr. SWETT.

H.R. 4493: Mr. FROST and Mr. GUNDERSON.

H.R. 4526: Mr. FROST, Mr. KOLBE, Mr. LANCASTER, and Mr. ROE.

H.R. 4529: Mr. SWETT and Mr. MINETA.

H.R. 4551: Mr. GUARINI, Mr. WYDEN, Mr. ROYBAL, Mr. CONYERS, Mr. EVANS, Mr. OWENS of New York, Mr. WALSH, Mr. ATKINS, and Mr. KOSTMAYER.

H.R. 4599: Mr. HORTON, Mr. MCMILLEN of Maryland, Ms. PELOSI, Mr. MARTINEZ, and Mr. PERKINS.

H.R. 4611: Mr. BALLENGER, Mr. MCCRERY, Mrs. MEYERS of Kansas, Mr. CUNNINGHAM, Mrs. VUCANOVICH, Mr. LIVINGSTON, Mr. RIGGS, Mr. ALLEN, and Mr. DORNAN of California.

H.R. 4613: Mr. ROHRABACHER.

H.R. 4711: Mr. BLAZ.

H.R. 4720: Mr. DONNELLY.

H.R. 4750: Mr. FALEOMAVAEGA.

H.R. 4764: Mr. OLIN, Mr. PETERSON of Florida, Mr. ESPY, Mr. SWIFT, Mr. DORGAN of North Dakota, Mr. THOMAS of California, Mr. HUGHES, Mr. LOWERY of California, Mr. NAGLE, Mr. BARNARD, Mr. HAYES of Louisiana, and Mr. VANDER JAGT.

H.R. 4779: Mr. WILLIAMS and Mr. SANDERS.

H.R. 4838: Mr. PAXON.

H.R. 4902: Mr. BEREUTER and Mr. MCGRATH.

H.R. 5010: Mr. GLICKMAN.

H.R. 5014: Mr. SLATTERY.

H.R. 5017: Mr. FRANK of Massachusetts and Mr. SHAYS.

H.J. Res. 271: Mr. SOLARZ and Mr. BROOMFIELD.

H.J. Res. 290: Mr. MCCLOSKEY, Mr. WISE, Mr. LANTOS, Mr. SHARP, Mr. PETERSON of Minnesota, Mr. MORAN, Mr. VOLKMER, and Mr. TORRICELLI.

H.J. Res. 351: Ms. NORTON.

H.J. Res. 380: Mr. WYLIE, Mr. MATSUI, Mr. SMITH of Oregon, Mr. MONTGOMERY, Mr. ROSE, and Mr. DEFAZIO.

H.J. Res. 388: Mr. JOHNSTON of Florida, Mr. LEHMAN of California, Mrs. COLLINS of Michigan, Mr. VALENTINE, Mr. KASICH, Ms. DELAURO, Mr. PASTOR, Mr. WOLPE, Mr. LEWIS of Florida, Mr. BERMAN, Mr. BRYANT, and Mr. BALLENGER.

H.J. Res. 391: Mr. MCDADE, Mr. JEFFERSON, Mrs. COLLINS of Michigan, Mr. HUBBARD, and Mr. UPTON.

H.J. Res. 393: Mrs. LOWEY of New York, Mr. CARPER, Mr. WEISS, Mr. STALLINGS, and Mr. EVANS.

H.J. Res. 399: Mr. BALLENGER, Mr. MORAN, Mrs. MEYERS of Kansas, Mr. DURBIN, and Mr. SKEEN.

H.J. Res. 411: Mr. LEWIS of Florida, Mr. LUKEN, Mr. RAHALL, Ms. LONG, Mr. HUTTO, Mr. MONTGOMERY, Mr. MOODY, Mr. NEAL of Massachusetts, Mr. FOGLIETTA, Mr. MOAKLEY, Mr. MRAZEK, Mr. MARKEY, Mr. BROOMFIELD, Mr. ORTON, Mr. OWENS of Utah, and Mr. PARKER.

H.J. Res. 422: Mr. CAMP, Mr. GEREN of Texas, Mr. ENGEL, Mr. GREEN of New York, Mr. ACKERMAN, Mr. KILDEE, Mr. TOWNS, Mr. HORTON, Mr. YOUNG of Florida, Mr. GEKAS, Mr. QUILLEN, Mr. PURSELL, Mr. HENRY, Mr. MORAN, Ms. HORN, Mrs. LLOYD, Mr. WOLPE, Mr. CARR, Mr. CONYERS, and Mr. FORD of Michigan.

H.J. Res. 425: Mr. CAMP, Mr. RANGEL, and Mr. VANDER JAGT.

H.J. Res. 429: Mr. GILCHREST, Mr. CONDIT Ms. KAPTUR, Mr. LANCASTER, Mr. LEACH, Mr. RUSSO, Mrs. MORELLA, Mr. FRANK of Massachusetts, Mr. RINALDO, Mr. MINETA, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MONTGOMERY, Mr. MORAN, Mr. OWENS of Utah, Mr. REGULA, Mr. KASICH, Mr. KENNEDY, Mr. SMITH of New Jersey, and Mr. HERGER.

H.J. Res. 430: Mr. MOODY, Mr. GEKAS, Mrs. MEYERS of Kansas, Mr. SANDERS, Mr. HANSEN, Mr. STAGGERS, Mr. ANNUNZIO, Mr. MANTON, Mr. SLATTERY, Mr. SAWYER, Mr. PAYNE of Virginia, Mr. RIDGE, Mr. FLAKE, Mr. SWETT, Mr. HOAGLAND, Mr. LAFALCE, Mrs. PATTERSON, Mr. MARKEY, Mr. SARPALIUS, Ms. SNOWE, Mr. LUKEN, Mr. TORRES, Mr. MAZZOLI, Mr. VENTO, Mr. OBEY, Mr. CONDIT, Ms. DELAURO, Mr. FORD of Michigan, Mr. ROEMER, Mr. HEFLEY, Mr. JENKINS, Mr. MCGRATH, Mr. ROSE, Mr. OLVER, Mr. PETERSON of Minnesota, Mrs. LOWEY of New York, Ms. MOLINARI, Mr. ECKART, Mr. COX of Illinois, Mr. NEAL of North Carolina, Mr. DONNELLY, Mr. GONZALEZ, and Mrs. KENNELLY.

H.J. Res. 442: Mr. VANDER JAGT, Mr. HANSEN, Mr. VALENTINE, Mr. CARPER, Mr. SERRANO, Mr. PICKLE, Ms. SNOWE, Mr. WISE, Mr. RAHALL, Mr. BONIOR, and Mr. SLATTERY.

H.J. Res. 444: Mr. DE LA GARZA, Mr. JACOBS, Mr. EMERSON, Mr. MACHTLEY, Mr. FAWELL, Mr. YATRON, Mr. PERKINS, Mr. DYMALLY, Mr. DONNELLY, Mr. JEFFERSON, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. MANTON, Mrs. UNSOELD, Mr. PANETTA, Ms. MOLINARI, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. CARDIN, Mr. BARNARD, Mrs. MORELLA, Mr. QUILLEN, Mr. DORGAN of North Dakota, Mr. HALL of Ohio, Mr. FISH, Mr. MILLER of California, Mr. HOYER, Mr. MCHUGH, and Mr. GEREN of Texas.

H.J. Res. 445: Mr. GUARINI, Mr. GALLO, Mr. HUGHES, Mr. CLINGER, Mr. FASCELL, Mr. MARTINEZ, Mr. MCGRATH, Mr. DORNAN of California, Mr. GEJDENSON, Mr. RANGEL, Mr.

WEISS, Mr. MAZZOLI, Ms. PELOSI, Mr. MCDERMOTT, Mr. TOWNS, Mr. FISH, Mr. HARRIS, Mr. SABO, Mr. LIPINSKI, Mr. MCNULTY, Mr. MCEWEN, Mrs. BOXER, and Mr. HYDE.

H.J. Res. 466: Mrs. JOHNSON of Connecticut and Mr. PANETTA.

H.J. Res. 470: Mr. MAZZOLI, Mr. DORNAN of California, Mr. MATSUI, Mr. GUARINI, Mr. TOWNS, Mr. MORAN, Mrs. MEYERS of Kansas, Mr. GILMAN, Mr. WALSH, Mr. GILLMOR, Mr. NATCHER, Mr. VANDER JAGT, Mr. COX of California, Mr. PERKINS, Ms. LONG, Mrs. BENTLEY, Mr. HUNTER, Mr. SAVAGE, Mr. MCDADE, Mr. COLEMAN of Texas, Mr. CALLAHAN, Mr. CARR, Mr. COSTELLO, Mr. MILLER of Ohio, Mr. DELLUMS, Mr. DE LUGO, Mr. MAVROULES, Mr. EVANS, Mr. ESPY, Mr. HUBBARD, Mr. LAGOMARSINO, Mr. KLECZKA, and Mr. HAMILTON.

H.J. Res. 473: Mr. SCHUMER, Mr. GREEN of New York, Mr. MRAZEK, and Mr. BEILENSON.

H. Con. Res. 42: Mr. HEFLEY, Mr. TANNER, Mr. VALENTINE, Mr. SHAYS, Mr. HOPKINS, Mr. MCDADE, Ms. HORN, and Mr. LEWIS of Florida.

H. Con. Res. 104: Mr. MONTGOMERY and Mr. RITTER.

H. Con. Res. 246: Mrs. BENTLEY, Mr. ROWLAND, Mr. RAHALL, Mr. MCEWEN, Mr. POSHARD, Mr. BRUCE, Mr. SWIFT, and Mr. PASTOR.

H. Con. Res. 310: Mr. RINALDO, Mr. OWENS of New York, Mr. PETRI, Mr. GUARINI, Mr. GEJDENSON, Mr. SWETT, and Mr. HUGHES.

H. Res. 180: Mr. MCDERMOTT.

H. Res. 234: Mr. PAYNE of Virginia.

H. Res. 271: Mrs. COLLINS of Michigan, Mr. WASHINGTON, Mr. PALLONE, Mr. SABO, Mr. PASTOR, and Ms. WATERS.

H. Res. 388: Mr. TOWNS, Mr. SCHEUER, Mr. WOLPE, Mr. VENTO, Mr. OWENS of Utah, Mr. WAXMAN, Mrs. MORELLA, Mr. BATEMAN, and Mr. HORTON.

H. Res. 415: Mr. HORTON, Mr. DWYER of New Jersey, Mr. MRAZEK, Mrs. MEYERS of Kansas, Mr. TOWNS, Mr. MCNULTY, Mr. MCHUGH, Mr. WAXMAN, Mr. DORNAN of California, Mr. BERMAN, Mr. DELLUMS, Mr. JACOBS, Mr. SAXTON, Mr. HUGHES, Mr. SCHUMER, Ms. NORTON, and Mr. FAWELL.

H. Res. 417: Mr. LANCASTER, Mr. DEFAZIO, Mrs. MINK, Mr. GUARINI, Mr. TORRES, Mr. BERMAN, Mr. DINGELL, Mr. GLICKMAN, and Mr. FOGLIETTA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2797: Mr. JACOBS.

H.R. 3221: Mr. RAMSTAD.

H.R. 3626: Mr. JOHNSON of South Dakota.

H.R. 4617 through H.R. 4684: Mr. MACHTLEY.

SENATE—*Thursday, April 30, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The prayer will be led today by guest chaplain, the Reverend Donal M. Squires, national chaplain of the American Legion, from Fairmont, WV.

Mr. Squires.

PRAYER

The guest chaplain, the Reverend Donal M. Squires, national chaplain, the American Legion, Fairmont, WV, offered the following prayer.

O God, we acknowledge our dependence upon Thee, and once again seek Thy guidance in our decisionmaking process. May we be mindful that the choices we make will have an effect upon someone in this great Nation of ours; therefore, we seek Thy direction that our decisions will be the correct ones.

We pray for each other and for all those with whom we associate this day. Continue to bless this great Nation with leaders possessing wisdom and strength of character. And may we always be mindful of our veterans and the sacrifices which they have made throughout the years. God bless America and the Members and staff of this distinguished body. Amen.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, parliamentary inquiry. Has leader time been reserved?

The PRESIDENT pro tempore. Leader time has been reserved.

RESOLUTION ON CONDITIONING UNITED STATES RECOGNITION OF SERBIA

Mr. DOLE. Mr. President, events in Bosnia-Herzegovina are an instant replay; the scenes broadcast from that newly independent state are virtually identical to scenes we have seen from Croatia over the last 10 months, only the names of the people killed and the places destroyed are different. In Croatia, the cities targeted were Dubrovnik and Osijek; in Bosnia-Herzegovina, they are Mostar and Sarajevo. In Croatia, churches were destroyed, in Bosnia, mosques are being destroyed.

Mr. President, events in Bosnia-Herzegovina have made absolutely clear what some of us have known since Slovenia was attacked in June—the aggressor is Serbia, whose ruler, Slobodan Milosevic is a tyrant out of control, and whose murderous rampage needs to be put to an end.

Two weeks ago, the New York Times ran an editorial entitled "Stop the Butcher of the Balkans." I ask unanimous consent that this editorial be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 15, 1992]

STOP THE BUTCHER OF THE BALKANS

Slobodan Milosevic, strongman of Serbia and wrecker of Yugoslavia, may not be as ruthless and reckless as Saddam Hussein. But his aggression against the newly independent republic of Bosnia and Herzegovina has become just as blatant—and just as urgently requires a stern response. Unless the international community acts against him now, thousands may die.

The U.S. and European powers can do much to stop the slaughter: Refuse to recognize Serbia's claims as heir to Yugoslavia, tighten their economic embargo on Serbia and make clear that Serbs face years of international isolation if they allow Mr. Milosevic to remain on the rampage.

Even conscientious outsiders have grown confused and weary by the ceaseless, complex civil warfare. But there's nothing confusing or complex about how much of it arises from the Serbian nationalism whipped up by Mr. Milosevic, Europe's last Communist tyrant.

When the Iron Curtain came down, he rejected a confederation that could have held Yugoslavia together. He resorted to force in a vain attempt to keep Slovenia and Croatia from breaking away. And now, ironically, the blue-helmeted United Nations peacekeepers protecting Croatia free his forces to attack elsewhere.

Now he has wheeled and lashed out mercilessly at Muslim-majority towns in Bosnia. From the hillsides, Serb irregulars, backed by the Serb-led remnants of the Yugolsav Army, indiscriminately blast round after round into Bosnia's defenseless communities.

The multi-ethnic character of those communities is evident in their skylines. The minarets of Muslim mosques and spires of Eastern Orthodox and Roman Catholic churches stand side by side. Bosnia's people—44 percent Muslims, 31 percent Serbs and 17 percent Croats—live side by side. Now, by the tens of thousands, they are fleeing the artillery barrages side by side.

In contrast to Mr. Milosevic's divisiveness, Bosnia's freely elected leaders formed an ethnic coalition to try to hold Yugoslavia together. They broadcast news free of the bilious nationalism that poisons the airwaves of neighboring Serbia. They moved to break free of a Serbian-run Yugoslavia only after Slovenia and Croatia declared independence.

Stymied in Croatia and watching rampant inflation and stagnation sap his popularity, Mr. Milosevic has aroused Serbia to yet another dubious cause—defending Bosnia's Serb minority against a supposed militant Muslim onslaught.

At home in Serbia, an increasingly vocal opposition resists Mr. Milosevic and his bloody policies. They need the firm backing of the international community. Once again, the world has been slow to react. The U.N. is just now dispatching more blue helmets to Bosnia. The U.S. and the European Community have yet to send a strong enough message to Mr. Milosevic: Get out.

Mr. DOLE. Mr. President, the list of Milosevic's victims grows daily—Muslims, Croatians, Albanians, Slovenians, Hungarians, and even Serbs who have the courage to stand up against his warring tactics.

Two days ago, Serbia and its ally Montenegro, proclaimed a new Yugoslavia. Well, in my view, the United States and the international community should not grant this new Yugoslavia diplomatic recognition until it ceases its aggressive activities and repressive policies.

That is why I sponsored a resolution yesterday—that cleared both sides and passed last night—that calls for the United States to withhold diplomatic recognition until Serbia withdraws its forces from Bosnia-Herzegovina and Croatia and until it ceases its brutal repression of the Albanian people and allows them to have a say in their future.

Mr. President, I am pleased that I was joined in offering this resolution by the distinguished chairman of the Foreign Relations Committee, Senator PELL, and the distinguished ranking member on the Foreign Relations Committee, Senator HELMS, as well as the following distinguished Senators: Senator D'AMATO, Senator PRESSLER, Senator GORE, Senator GORTON, Senator MCCAIN, Senator BREAUX, Senator GARN, Senator SEYMOUR, Senator MACK, Senator DIXON, and Senator JOHNSTON.

At this very moment, the cease-fires in Bosnia and Croatia are being violated; Serbian forces are occupying significant portions of Bosnian and Croatian territory; and Serbian forces are stealing humanitarian aid sent to Bosnia by the United States and other countries to help the tens of thousands of people who have fled their homes in fear of the broadening Serbian offensive. Meanwhile, there are reports that Serbia is sending a growing number of forces into Kosova, in what appears to be a prelude to even greater brutality against the 2 million Albanians who have lived under the crushing weight of martial law for 3 years.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I think, and the cosponsors of this resolution think, that it is essential that the United States send a message to Serbia, and to Milosevic, that Serbia will be treated as a pariah as long as it behaves in a criminal manner. Secretary Baker has clearly communicated that Serbia's respect or lack of respect for the territorial integrity of the former Yugoslav Republics and for human rights will be the key factor in determining whether or not the United States will recognize Serbia and Montenegro.

This is the right policy to pursue—it puts the United States on the side of freedom, democracy, and peace. I hope that the administration will stick to this course and encourage our allies to do the same. Moreover, if Milosevic does not soon respond, other measures to isolate Serbia will have to be considered.

Mr. President, Serbia's aggression has gone on long enough; we have watched as thousands of innocent civilians have been uprooted from their homes, wounded, and killed. The United States must take a firm stand. This resolution signals such a stand.

This was a bipartisan resolution, I was joined by the distinguished chairman of the Foreign Relations Committee, Senator PELL, and I think about an equal number of Republicans and Democrats. I thank my colleagues for their prompt action on this resolution.

Mr. President, I yield the remainder of my leader time to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Pennsylvania has 7 minutes, 46 seconds.

THE LOS ANGELES POLICE BRUTALITY CASE

Mr. SPECTER. Mr. President, I urge the Federal Government to act promptly in the wake of the acquittals last night in the Los Angeles police brutality case. Justice must be done in that specific case to give public assurance that there will be appropriate action taken by the Federal Government.

Notwithstanding last night's verdict of acquittal, a criminal prosecution may be brought under the Federal Civil Rights Act without any issue at all of double jeopardy. Beyond that, the Congress ought to be taking a close look, as a matter of oversight, as to what happened in the Los Angeles case with the view to broadening and strengthening the criminal process under the Federal Civil Rights Act.

In hearing the accounts of the jurors as published by the news media today, I believe that the verdict was unjustifiable. The jurors seek to explain their ruling by claiming that when the victim came out of the car, had he responded as the other two occupants, there would not have been any injuries. However, the standards on police brutality, reasonable force, and excessive force depends upon what happens at each stage of the proceeding.

During my tenure as district attorney of Philadelphia in the late sixties and early seventies, my office brought numerous prosecutions for police brutality and police misconduct. The law states emphatically that only reasonable force may be used to restrain a prospective defendant. The standard for reasonable force has to be judged at every step of the proceeding. So that when an individual is on the ground, subdued, and no longer a threat, there is absolutely no legal justification for repeated pummeling of that individual.

The laws of double jeopardy do not apply when there has been an acquittal under State law. There still may be a prosecution under the criminal provisions of the Federal Civil Rights Act. It has long been my view that there should be review of the adequacy of those provisions. The efficacy of those provisions came sharply into focus in Philadelphia on May 13, 1985, when the police released an incendiary device and a fire engulfed an entire block, burning down a house where a MOVE resistance group was located, and killing 11 people, including 5 children.

When local authorities failed and refused to act on that clear-cut case of excessive governmental force, I called upon Attorney General Edwin Meese in 1985, by letter and personally to act. Again, in 1990, before the statute of limitations expired, I called upon the Attorney General and the Assistant Attorney General in charge of the Civil Rights Division, Mr. Dunn, to move ahead with that kind of a prosecution. For a variety of technical reasons, no prosecution was brought at that time. The incident has led this Senator to conclude that it may be necessary to broaden and to strengthen the Civil Rights Act and the Federal prosecutions thereunder.

In the late sixties when I was district attorney of Philadelphia, there were major problems of excessive police force in many cities in the United States, Philadelphia was no exception. That kind of conduct is obviously not to be tolerated and must be brought into the criminal courts.

It is my hope that action will be taken promptly by the U.S. Department of Justice to initiate criminal prosecution under the United States Civil Rights Act because that may be done without regard to double jeopardy, notwithstanding the acquittal last night.

Beyond the prosecution under the Civil Rights Act, I believe that in the Congress we ought to review that case as a matter of oversight of the judicial system, and take another close look at the Civil Rights Act with the possible view to broadening and strengthening the criminal prosecution procedures.

I thank our leader, Senator DOLE, for relinquishing that time to me.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from Vermont rise?

Mr. LEAHY. Mr. President, I rise to ask the Senator from Oklahoma if he would yield me some time.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now resume consideration of the conference report on S. 3, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany S. 3, a bill to amend the Federal Election Campaign Act of 1971, to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Senate resumed consideration of the conference report.

The PRESIDING OFFICER. The time between now and 3 p.m. is to be divided and under the control of Senator BOREN and Senator MCCONNELL, each having 55 minutes.

Mr. BOREN. Mr. President, I ask unanimous consent that I might lodge a unanimous-consent request on behalf of the leadership, not related to this matter, and the time not to count against either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOREN. I ask unanimous consent that following disposition of the conference report accompanying S. 3, the Senate Election Ethics Act, there be a period of morning business with Senators permitted to speak therein for up to 5 minutes each; that during the period for morning business, the majority leader or his designee control up to 1 hour; with Senator CHAFEE recognized for up to 90 minutes; that Senators FORD, KENNEDY, and GRAMM of Texas be recognized for up to 10 minutes each; Senators PRYOR and INOUYE for up to 15 minutes each; and Senators BRADLEY and GORE be recognized for up to 20 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. BOREN. Mr. President, it has come to my attention that there is some uncertainty with regard to one portion of the joint explanatory statement of the committee of conference, and I wish to clarify that for the Sen-

ate. Section 102 of the bill places aggregate limits on contributions from political action committees for Senate races, and section 122 contains similar provisions for House contests. These limitations are in addition to the existing limitations on the amount that a single PAC can give to a candidate during an election cycle, as modified in the bill. The conference report discusses the new limitation and the reason for it, but I am afraid that we may have succeeded more in achieving brevity than completeness.

The report refers to the problem that individual PAC limits alone still "result in a number of PAC's with the same interest playing too large a role in funding a congressional campaign." This somewhat cryptic reference was to the well-known problem of PAC proliferation; that is, a group of, say, automobile dealers or real estate brokers dividing themselves into multiple PAC's so that each PAC is able to give the maximum to selected candidates, thereby multiplying the leverage of a particular interest group and doing an end-run on individual PAC limitations.

Obviously, individuals can't do the same thing, although gifts from minor children are something close to it, and we have taken steps to prevent that kind of proliferation as well. Thus, what sections 102 and 122 do is try to stop proliferation by setting outer limits on the amount that a candidate may receive in any election cycle from all PAC's. While the conferees recognized that the fit between the problem and the solution was not perfect, they did not believe that they could responsibly ignore the problem, which has been increasing, and any other method of attacking PAC proliferation would create an enforcement nightmare or simply lead to new ways of evading any limits that we might impose.

This is a very important provision, and it is essential that everyone understand what we were trying to do and why we chose this method of doing it.

Mr. President, I yield 8 minutes from my time on the pending conference report to the distinguished Senator from Vermont [Mr. LEAHY].

VERDICT IN THE RODNEY KING CASE

Mr. LEAHY. Mr. President, first let me say this, before I get to the subject at hand: As an American, as a Vermonter, as a lawyer, and as a U.S. Senator, I know I am bound by the verdict in the Rodney King beating case. I accept that as part of our jurisprudence and court system. But as a human being, I am appalled by this outrageous, obscene verdict which does not appear to comport with the facts, or to be supported by them.

I cannot understand how the jury reached the verdict it did. I spent 8½ years in law enforcement as a prosecutor, as a chief law enforcement officer of my jurisdiction. I cannot imagine anybody accepting the conduct that was brought forward in this trial.

As one who has prosecuted many, many cases and defended many cases in trials, I cannot see how any jury, unless swayed by some motivation of bias, or unbelievable ignorance of the facts, could have reached the decision it did. As Americans, we are bound by the jury verdict and by our system of criminal jurisprudence. I would not change that system. For all its faults and occasional mistakes, it is still the best.

Nonviolent protest is also part of our system, and for the sake of those who have already suffered so much, I urge that whatever protests are mounted be nonviolent.

Mr. President, I wanted to register that, as one human being, I cannot accept what we saw in the Rodney King beating, and I am appalled by the outcome of that case.

SENATE ELECTION ETHICS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LEAHY. Mr. President, we know there is a wide gap between the rhetoric in Washington and the reality of this place.

The rhetoric always sounds great. We will balance the budget by passing a constitutional amendment. We will end crime by tripling the number of crimes punishable by the death penalty. We will reform political campaigns by getting rid of the special interest groups.

Today we get a chance to actually act instead of talking. The campaign finance reform bill before us would be the first major overhaul of our election laws since I came to the Senate in 1975.

We need this bill. It is a modest, useful first step. It sets minimum standards which candidates can and ought to live by: Total spending is capped; PAC contributions are cut in half; the pernicious practice of bundling is halted; and candidates are required to raise small donations from their home States.

The bill also contains incentives to candidates who comply, including broadcast rates being lowered, and some public financing is contained in the bill.

If you listen to President Bush, however, and his loyal lieutenants who are here in the Senate, you would think this bill is a disaster.

President Bush has singled out the public financing components of the bill—this despite the fact that by the time this Presidential campaign is over, President Bush will have accepted over $200 million in the same kind of public financing which he says is so terrible.

I think the real problem that appears to my friends on the other side is that they feel this bill will limit campaign spending. The concept is so threatening to the national Republican Party that it has fueled years of filibusters and veto threats.

It is no wonder. We saw that happened two nights ago; they raised $10 million in one dinner.

Since I came to the Senate, I have believed that those of us who pass laws should live by their terms. Fourteen years ago, I introduced legislation to do just that, to apply the laws that we pass in Congress to the Congress. I intend to live by the terms of this campaign finance reform bill, whether it is vetoed or not. If we pass it out of here, I will live by the bill. For me, this is the first step—it is not the last—in doing my part to clean up the way the campaign system works.

I grew up in a one-party State, where no Democrat had been elected Governor for more than a century. One Democrat had been elected to the U.S. House of Representatives, but he only served one term before he was taken out. In fact, no Democrat had ever served our State in the U.S. Senate at the time I ran. We were the only State in the Union that never elected a Democrat. I grew up in a family of Democrats. I wanted to be a U.S. Senator. It was an impossible quest and even members of my family felt my ambition exceeded my grasp of reality. They felt a little sorry for me. I am glad my parents saw me sworn into the U.S. Senate.

We had a time in Vermont where the Republican primary was the general election. We were outnumbered in both houses of the general assembly by better than 5 to 1, and outspent by far more than that.

The Republicans kept a State office open 52 weeks a year. We sort of opened up one in the last 3 weeks of each election. Vermonters often did not even know who the Democratic candidate for Senator or Representative or Governor was until they got into the polling booth. That is when they would see the name for the first time on the ballot. It did not matter an awful lot at that point.

The spending that went into maintaining a one-party State was not disclosed in those days, and the way most of the newspapers were controlled, they did not want to look into where the money came from.

But times change. After more than a century, Democrats in Vermont are almost at a parity with Republicans, and for the first time in our State's history it is not just the Democrats calling for election reforms. Some Republicans, to their credit, are right there beside them, because parity has almost been achieved in the Vermont General Assembly.

I find myself in agreement with the Democrats and Republicans in Vermont in asking for this campaign fi-

nance reform, even though the Republicans Party in Washington is not getting the message.

So I am proud Congress is about to pass the first comprehensive campaign spending reform bill since 1974. It is a bill I support. But, unfortunately, it is a bill that is going to be vetoed as soon as the President gets ahold of it.

It is not a perfect bill, but it is a start. I remember very vividly from my own experiences in 1986 just how easily our present campaign laws can be corrupted. When in-kind contributions from the National Republican Senatorial Committee were illegally used to provide my opponent with services and free polling information, my campaign filed a complaint with the FEC. But it took 3 years for the FEC to adjudicate the case, and then to fine the National Republican Senatorial Committee $5,000 for breaking the rules. Our case was not unique.

Other campaigns also received contributions over the limits. In my case, it did not make any difference because the race was not even close. It is not of much solace to a candidate who does lose a close election.

In 1986 the National Republican Senatorial Committee raised over $80 million. The Democratic Senate Campaign Committee raised $13 million. The NRSC committed funds to Vermont and other States both openly and clandestinely, and it took the FEC years to rule on the violations which included accepting and failing to properly report in-kind contributions on excess of the legal limits.

In 1986, the costs of the Vermont Senate election—including the hidden costs that were later found in violation of the law—topped $3 million—far too much for a small State like ours.

I reported every single dime I received—and every single dime I spent in my reelection campaign. I have followed the same practice this year and hope others will do the same. Whether the contribution is $1 or $1,000, the name and address of that contributor is reported in my FEC filing. Every dime of it. I do not know of any other candidate who has followed this practice, but if he or she has—I compliment them for making full disclosure.

In the spirit of open and full disclosure, pledging fully to continue this practice which I must also note has resulted in my recording the greatest number of individual contributions from Vermonters of any candidate who has ever run for office in Vermont—I am also announcing today my intention to voluntarily abide by the law that we approve today—whether the President signs it or not.

As one of the first Senators to voluntarily end the practice of accepting honoraria—before any passage of a pay raise or other incentive—I now prepare to accept the campaign limits contained in this legislation.

Within a few days, I will outline the details of this plan.

Senate campaigns should be about issues—about our vision of the future. This is how I intend to run my campaign again this year.

The limits set by the campaign reform bill mean I can raise for a Vermont Senate election are already too high—$1.58 million—and I will spend far less than that.

I will put my case for reelection squarely before the Vermonters who have known me all my life. They know where I stand and they know I keep my word.

Mr. President, I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 54 minutes.

Mr. MCCONNELL. I yield 6 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank our colleague.

Mr. President, I rise today to address a matter which is of utmost importance to our system of Government. We have before the Senate today a conference report which purports to deal with the issue of campaign finance reform. It does nothing, however, to resolve a major flaw in the system regarding the use and reporting of union funds used for political purposes.

Last May, while the Senate was considering this legislation I offered a simple and straightforward amendment which was rejected largely along party lines. Curiously and significantly, the one of two Democratic Senators to support my amendment was the distinguished Senator from Oklahoma [Mr. BOREN] who advocated for this bill and is a principal advocate for campaign finance change.

I start with the basic premise that no person should be required to support, or forced to give money to, political causes and activities to which that person is opposed. As Thomas Jefferson stated in 1779.

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical.

My amendment attempted to deal with just one small aspect of the enormous problem of union sewer money being spent for political purposes. That aspect involved the right of American workers who pay union dues or so-called agency shop fees to be informed about the extent to which their unions are spending those dues and fees for political purposes, causes, or activities.

This amendment was basic and limited; it did not restrict or dictate how unions could spend this dues money, it simply required disclosure.

Millions of workers, who may now be in the dark about how their hard-earned money is being spent in the political process, have the right to this basic information. They should not have to beg for it. Nor should they have to hire an army of lawyers and resort to litigation to obtain it. There is no conceivable reason why it should not be freely provided.

Mr. President, this is a very, very important issue. I remember back in 1982 when I was the No. 1 target of the Democratic National Committee and of the national trade union leadership, I presume because I led the fight against labor law reform in 1978. I can remember raising $4.3 million to run that race. My opponent had $2.3 million up front when he had to disclose. Long after that race; we became very good friends, during the race. Afterwards, long afterwards, he came up to me and said, "Orrin, I really did not lack any money in that race." Now translation.

These unions' soft money or sewer moneys are used for voter registration, get out the vote, door-to-door activities, graphics and signs, telephone banks, driving people to the polls, almost everything I had to pay for and disclose fully. None of that was disclosed.

I was beaten up by some in the media for outspending him almost 2 to 1 on what we reported. But there is a real question whether he did not outspend me by quite a bit more because of these moneys he did not have to report that basically were dues-paid moneys that 90 percent of which, or thereabouts, go to liberal Democrats and the other 10 percent go to independent and liberal Republicans.

Mr. President, I have to tell you that that is the scummiest approach toward campaign finance that I have seen in all of my time here on this Earth. The fact of the matter is that neither should be able to use sewer moneys like this.

I have seen the Republicans beaten up this week because they raised a considerable number of millions of dollars, $9 million to be exact, in a dinner this week. That is a drop in the bucket compared to what the unions are spending without anybody ever knowing you are spending one single nickel.

I have to tell you there is a very decided advantage to those who are arguing campaign reform here today on the other side and that advantage is this: $200 to $300 million every year that is going for no other reason, dues money of everybody, 30 percent of them Republicans, going to their party, and to the liberal people in their party primarily. It is wrong. It should not happen. It should not be.

I simply cannot believe that the union leaderships in this country have a legitimate interest in keeping secret what political causes and activities employee dues are being spent to support.

Frankly, I was astounded that my amendment was rejected. Why would

unions have an interest in keeping this information a secret from those employees it represents? After all, if employees are better informed of the political candidates, causes, and activities they are supporting through their dues and fees, the union leadership might enjoy an even greater confidence level in its decisionmaking.

We constantly hear about the decline of the union movement in this country which, not surprisingly, is always blamed on someone else. Perhaps some of those in the union movement should take a careful look at the openness of their own internal processes as a means of retarding this decline.

Even assuming that employees might not like what they see, is that any reason they shouldn't see it?

I must admit that I was frankly shocked to hear the argument made against this amendment that its disclosure requirements would "place an enormous, onerous burden" on unions. After the numerous paperwork burdens that this Congress has freely imposed not only on small businesses in this country, but also on all taxpaying citizens, how could any Member of this body object to ensuring that workers are informed about how their money is being spent on the most fundamental of all American activities, the political process.

How could this be overly burdensome? I doubt that anyone would suggest that unions, even at the local level, do not keep these records anyway. They must, for how else can any organization that represents employees be effective and accountable if it doesn't even know how the dues and fees collected from employees it represents are expended?

This just doesn't sound right to me. I cannot believe that labor organizations—advocates for the rights of working men and women—do not keep track of how they are spending the money collected from those they represent or that they think that simple disclosure to their memberships is overly burdensome.

This modest step, Mr. President, to bring commonsense reform to our campaign laws, as I have previously noted, was rejected last year.

Nevertheless, I am pleased to take note of the fact that recent actions by President Bush have moved this country an important step forward in protecting workers' rights.

As part of a continuing effort to reform the political process, the President several weeks ago undertook significant steps to protect workers' rights recognized by the Supreme Court in Communications Workers versus Beck, a landmark decision authored by Justice William Brennan.

This opinion sought to protect workers from being compelled, against their will, to pay fees to unions for activities outside of the collective bargaining process. Specifically, the Court held that a union may not spend an objecting employee's agency fees to fund political candidates or causes.

As a recent editorial in the Wall Street Journal stated quite rightly, "the Supreme Court's message (in Beck) was that Americans who belong to unions are entitled to form their own opinions about the political life in this country, rather than have the unions do their thinking for them."

Many have recognized the difficulties workers have faced in exercising the Beck rights even after the Supreme Court's decision in 1988. First and foremost, many employees are not aware of their rights. Further, as I argued with regard to the amendment I offered last year, many employees have been kept in the dark with respect to how their fees are being spent.

Steps recently undertaken by President Bush included an Executive order that ensured that employees of Federal contractors are made aware of their rights under the Beck decision.

Once again, I cite with amazement the fact that at least one major labor organization criticized this Executive order as "unnecessary and intrusive." A union leader objecting to accountability to his own membership? It is simply incredible.

The Wall Street Journal editorial, to which I earlier referred, described the dimensions of this issue as follows:

> Since many unions spend 75 percent or more of their dues income on political or other nonbargaining activities, the 15 million Americans under union contracts may soon have the right to withhold most of the $350 a year they average in dues.

By my calculations, we are talking about over $5 billion collected annually from working men and women in the form of union dues, a large portion of which goes to activities unrelated to collective bargaining.

Of course, there are some who dispute this figure. Some say it is higher in many cases. And, not unexpectedly, some claim that it is much lower. It is unfortunate that those who argue it is lower could not have persuaded my Senate colleagues to support the disclosure amendment I offered last year which may have resolved this question once and for all.

The relevant inquiry in connection with our consideration of campaign finance reform is simply this: Where on earth does all of this money go?

The figures are quite astounding. It is estimated that in 1988, unions gave $35.5 million to political candidates. But these numbers hardly tell the whole story. Beyond this $35.5 million, the unions in this country plowed an estimated $200 million more into the political process in such in-kind help as free printing and voter registration drives. And you wonder why Democrats have controlled the House of Representatives for 67 of the last 60 years?

The true size of this problem, of course, is difficult if not impossible to calculate, largely because of lax reporting and disclosure requirements. That is why these funds are called union sewer moneys.

Unlike PAC contributions, this soft money does not go directly to candidates in the form of cash contributions. Instead, the money we are talking about pays for indirect benefits for political parties and campaigns.

This money is spent in two ways. Some of it is contributed directly to political parties by the unions. These are known as external contributions. Because this money is undisclosed and unregulated, many reformers would like to see this type of soft money banned. I understand that the conference report does address the external spending issue.

As bad as external spending is, Mr. President, the other type of union spending, called internal spending, is much worse. First, the amount of the internal spending greatly overshadows the external spending amounts. The National Right to Work Committee estimates that the total value of internal union soft money is $300 million per election cycle.

Internal union spending is focused on three areas. First, a union can spend its treasury funds to pay the overhead cost of operating its political action committee. This, of course, frees up PAC dollars for direct contribution to candidates. There is no limit on this subsidization, and no disclosure.

Second, internal union sewer money is spent on communications to union members and their families. In these, the unions can expressly advocate the election or defeat of candidates for Federal offices. While this type of spending is technically subject to disclosure rules, gaping loopholes allow many union communications to report nothing to the Federal Election Commission.

The third type of internal union sewer money allowed is that spent for supposedly nonpartisan voter education, registration, and turnout programs targeting union members and their families. Unfortunately, many expenditures of this type are not bipartisan, and examples of favoritism to one party abound.

Mr. President, all of this union soft money—or sewer money—creates a twofold problem. First, the huge amounts of undisclosed money being spent to influence Federal elections should alarm every American. This must be a part of any campaign for real reform of campaign finances. Second, the manner in which union sewer money is collected, through the coercion of union—and in some cases nonunion—members, tramples the first amendment rights of every individual who is forced to contribute.

As everyone in this Chamber recognizes, virtually all of this money and

assistance goes to one party—the Democratic Party.

Figures indicate that while union members divide roughly into 30 percent Republican and 40 percent Democrat, unions consistently and overwhelmingly support and contribute to Democratic candidates and liberal issues. During 1988, union money went to Democrats over Republicans by a ratio of 10 to 1.

The Wall Street Journal editorial I have cited, closed by accurately describing the impact of the Beck decision and the President's recent actions as follows:

Enforcing the Beck decision doesn't mean that unions will no longer have an active voice in politics. It simply requires them to better separate their political activities from more traditional functions, something that is long overdue. Forcing workers to spend part of their paychecks on causes that violate their beliefs is a crude form of coercion. * * * It is in the long-term interest of both unions and workers that such practices not remain a part of a legitimate union movement.

I commend the President for his efforts, but more needs to be done. Real campaign finance reform must address and limit this union sewer money.

Mr. President, in closing I ask unanimous consent that a copy of the Wall Street Journal editorial to which I have referred, be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 24, 1992]

CHOICE FOR WORKERS

President Bush has finally acted to implement the Supreme Court's landmark 1988 Beck decision, which held that workers can be required by their unions to pay dues only if the money is spent on such job-related services as collective bargaining. The Supreme Court's message was that Americans who belong to unions are entitled to form their own opinions about the political life of their country; rather than have the union do their thinking for them. Since many unions spend 75% or more of their dues income on political or other non-bargaining activities, the 15 million Americans under union contracts may soon have the right to withhold most of the $350 a year they average in dues.

In his speech last week attacking Congress's failure to pass his economic program, Mr. Bush said "no American should be compelled to give money to a candidate against his or her will" and promised that he would issue regulations to ensure that it doesn't happen.

Codifying the Beck decision involves far more than saving some union members money. Forcing people to contribute portions of their earnings to political causes they oppose violates their First Amendment rights. Or so thought Supreme Court Justice William Brennan. In his Beck opinion, Justice Brennan cited Thomas Jefferson's view that forcing people to finance opinions they disagreed with was "sinful and tyrannical."

The stakes involved in Beck are huge. A special master in the Beck case found that only 21% of the dues collected by the Communications Workers of America went for bargaining-related activities. This meant that Harry Beck, the former Maryland union shop steward who spent 13 years fighting his case in the courts, was entitled to get 79% of his dues money back, plus interest. Other refunds could be larger. A Michigan judge found a National Education Association affiliate spent 90% of its dues money on non-bargaining activities.

Where does all the extra money go? Much of it is plowed into political causes. In 1988, unions gave $35.5 million to political candidates and about $200 million more in such in-kind help as free printing and voter-registration drives. Almost all of this money flowed to liberal Democrats, even though some 40% of union members voted for George Bush in 1988.

Informing workers of their Beck rights could have dramatic results. Currently, some 2.5 million Americans working in union shops have already chosen not to join their union and instead pay only "agency" fees. If just half of them decided not to pay that portion of their fees being used for non-bargaining purposes, labor's political funds would fall by hundreds of millions of dollars.

That explains why unions have vigorously opposed letting workers be informed of their Beck rights. Unions have also blocked efforts to force changes in their accounting procedures so workers can easily learn how much of their dues money goes to politics. Grover Norquist, an activist who has crusaded for implementation of Beck, says that up to now, some Bush administration officials have been intimidated into not enforcing the Supreme Court's ruling, which is now the law of the land.

All this has now changed. President Bush may start implementing Beck by first requiring that all employees of government contractors be informed of their legal rights. He may also press the National Labor Relations Board into expediting hearings into the 250 Beck-related cases pending before it.

Enforcing the Beck decision doesn't mean that unions will no longer have an active voice in politics. It simply requires them to better separate their political activities from more traditional functions, something that is long overdue. Forcing workers to spend part of their paychecks on causes that violate their beliefs is a crude form of coercion (practiced, we might add, at the corporate level by heavy-handed executive collections for Pacs). It is in the long-term interests of both unions and workers that such practices not remain a part of a legitimate union movement.

Mr. HATCH. One last word. This bill does absolutely nothing about this decided loophole advantage to Democrats, not a thing. They are yelling and screaming all the time about Republicans raising money, soft money. I tell you 70 percent of business money goes to Democrats, and almost 100 percent of the union money.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma is recognized.

Mr. BOREN. I yield 8 minutes to the Senator from Kentucky, the chairman of the Rules Committee.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 8 minutes.

Mr. FORD. I thank our colleague.

Mr. President, it is always dangerous on this floor when old arguments are repeated. If old misleading arguments are not rebutted, there is a danger they will be believed. If old truthful arguments are not repeated, there is a danger they will be forgotten. Therefore, I would like to briefly rebut a few old arguments which have been repeated in the last few days and repeat a few which have not.

It has been suggested on the other side of the aisle that this conference report is unconstitutional. Our bill resembles the Presidential system, which has been held constitutional. But on the other side of the aisle, they say our so-called contingent public financing makes it unconstitutional. Mr. President, I ask unanimous consent to print in the RECORD a nonpartisan opinion obtained last year from the Congressional Research Service which says the contingent public financing in this bill is constitutional.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, May 17, 1991.

To: Senate Committee on Rules and Administration. Attention: Thomas E. Zoeller, Counsel.

From: American Law Division.

Subject: Constitutionality of a Provision in S. 3 (102d Cong.) That A Candidate Complying With Spending Limits, Whose Opponent Does Not Comply, Shall Receive Additional Public Financing in the Amount of the Excess Expenditure.

This memorandum responds to your request for a discussion of the constitutionality of a provision in S. 3, the "Senate Election Ethics Act of 1991," 102d Cong., 1st Sess., that a candidate complying with spending limits, whose opponent does not comply, shall receive additional public financing in the amount of the excess expenditure.

In the 1976 landmark case of *Buckley* v. *Valeo*,[1] the Supreme Court held that spending limitations violate the First Amendment because they impose direct, substantial restraints on the quantity of political speech. The Court found that expenditure limitations fail to serve any substantial government interest in stemming the reality of corruption or the appearance thereof and that they heavily burden political expression.[2] As a result of *Buckley*, spending limits may only be imposed if they are voluntary.

It appears that the provision in question would pass constitutional muster for the same reasons that the public financing scheme for presidential elections was found to be constitutional in *Buckley*. The Court in *Buckley* concluded that presidential public financing was within the constitutional powers of Congress to reform the electoral process and that public financing provisions did not violate any First Amendment rights by abridging, restricting, or censoring speech, expression, and association, but rather encouraged public discussion and participation in the electoral process.[3] Indeed, the Court succinctly stated:

"Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expendi-

[1] 424 U.S. 1 (1976).
[2] *Id.* at 39.
[3] *Id.* at 90-93.

ture limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding."[4]

Because the subject provision does not *require* a candidate to comply with spending limits, the proposal appears to be voluntary. Even though compensation paid to a complying candidate, in the amount of excess expenditures made by a non-complying candidate, serves as an incentive to limit spending, it does not jeopardize the voluntary nature of the limitation. That is, a candidate could legally choose not to comply with the limitation by opting not to accept public financing. Therefore, it appears that the proposal would be found to be constitutional under *Buckley*.

L. PAIGE WHITAKER,
Legislative Attorney.

Mr. FORD. Mr. President, we have also heard the argument that spending on political campaigns has gone down. Mr. President, as the saying goes, there are "lies, damn lies, and statistics." Every one knows that spending per voter keeps going up. In fact, with the number of large States having Senate races this year, spending is certain to shoot up dramatically this year. I do not hear anyone predicting a decrease.

There is an obvious reason why aggregate spending has leveled off in the last cycle. Fewer and fewer people care to run for Congress. Mr. President, our current system is an incumbency protection system. Our current system scares off challengers. Look at the facts. In 1980, there were 2,288 candidates for House and Senate seats. In 1982, this fell to 2,240. In 1984, this fell to 2,036. In 1986, this fell to 1,873. In 1988, there was another drop in candidates, to 1,792. And in 1990, there were only 1,759 total candidates for Congress.

The number has declined each election cycle. Over the 10-year period, this is a 23-percent reduction in the number of people who even care to run for office. Americans are being given fewer and fewer choices under the current system.

Now, I believe redistricting and the current series of retirements will make this number somewhat higher in 1992. But the long-term trend is clear. Our current system scares away qualified candidates. The money chase limits the choices for voters.

The only way to rectify this is by leveling the playing field for challengers. Under our current system, it is a rare occasion when challengers have the ability to compete with incumbents in fundraising. In 1990, challengers were able to outspend incumbents in only 2 Senate races out of 28. Under our current system, incumbents outspend challengers by a 3-to-1 ratio. Challengers rarely have a fair chance to compete.

But what do the incumbents on the other side of the aisle say? They say spending limits protect incumbents by restricting the ability of challengers to mount effective campaigns. Mr. President, the fact is that the current system restricts the ability of challengers to mount effective campaigns. Incumbents on the other side of the aisle say it is not in and of itself significant that incumbents outspend challengers. Incumbents on the other side of the aisle say "of course we do." Incumbents on the other side of the aisle say there is no need for a limit because spending beyond a certain point for an incumbent does not make any difference. It is hard to believe that we have actually heard these arguments in the last few days on this floor.

Mr. President, challengers on the other side of the aisle do not say these things. They do not agree with these misleading statements. Thirty-three Republican challengers on the other side of the aisle have written the President and asked him to sign this bill. That is what Republican challengers say.

Mr. President, the current system protects incumbents. The conference report levels the playing field. The arguments we have heard from Republican incumbents simply do not hold water.

But Mr. President, there is something behind these misleading arguments we are hearing. There is something more than what we are hearing. Several weeks ago, another Member from the other side of the aisle made a very revealing comment. It surprised me at the time, Mr. President, but I believe at least it was honest. A Member from the other side of the aisle told me some of his Republican colleagues might have a little paranoia, but that they have identified something called the troika.

Many colleagues on the other side of the aisle apparently believe that this troika will hurt their party more than ours. The troika has three legs. The first leg is this bill, campaign finance reform. The second leg is the motor-voter bill. And Mr. President, the third leg is the Hatch Act reform. I believe this analysis is flawed in many respects, Mr. President. But it is very revealing. Partisan opposition to this bill, the motor-voter bill, and the Hatch Act is virtually assured because of the perceived political impact.

Which leads us to a larger issue. Campaign finance reform in some ways is a good example of why we reach a stalemate so often around here. It is a good example of why Americans are so frustrated with the ability of this Congress to address important issues.

Mr. President, yesterday it was also stated on the other side of the aisle that a Bluegrass poll conducted in my State found that about 60 percent of the people in the poll opposed public financing. Of course many people oppose public financing. They would rather see us pass a law which simply imposes spending limits on political campaigns. I wish it were that simple. But, Mr. President, section 902 of this bill provides for budget neutrality. It provides that this bill will not become effective until it is funded, and that it should not be funded through general revenue increases, reduced expenditures, or an increase in the budget deficit. So we share the same opinion as those who were mentioned in that Bluegrass poll. In that same poll, an astonishing 88 percent of Kentuckians favor spending limits.

Mr. President, let me refer to another Bluegrass poll conducted in my State. It was discussed a few months ago on this floor—85 percent of the people in my State in that poll believed campaign spending should be limited. It is overwhelming. Since we are so concerned with the polls, Mr. President, I am pleased that this legislation does exactly what the majority of my constituents want.

That poll also said that 86 percent believe the large amounts of money it takes to run a political campaign are a source of corruption in government—86 percent. The Bluegrass poll also said that 76 percent of my constituents believe the large amounts of money necessary for major elections in my State keeps the best qualified people from running from office. I am pleased that this legislation will do what my constituents want by reducing the large amounts of money necessary to run a campaign. The writing is on the wall.

Mr. President, I ask unanimous consent that an article describing this poll be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FORD. Mr. President, the issue is not a simple one. It cannot be explained in less than 30 seconds. But it can be distorted in a phrase. We can call it "food stamps for politicians." Or we can try to find a way to give our constituents the limits on spending they want. We can try to reduce the influence of big money that they feel corrupts the system. I am pleased that the campaign finance reform legislation before us responds to the overwhelming wishes of my constituents in Kentucky. I am proud to support legislation which is so strongly supported in my State. I hope other Senators will reach a similar conclusion about their constituents.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Courier-Journal, Mar. 3, 1991]

ELECTION SPENDING LIMITS SUPPORTED

(By Ira Simmons)

As candidates for governor and other statewide offices continue to raise millions for their campaigns, a large majority of Kentucky voters would like to see campaign spending limited, according to the latest Bluegrass State poll.

[4] *Id.* at 57, fn. 65.

Wide majorities also think that the large amounts of money required to run a campaign are a major source of political corruption in the state and that high campaign costs keep the best candidates from running for office.

Framing these issues seems to be a general pessimism about government. Asked about the level of ethics and honesty in Kentucky politics, nearly three times as many people said it dropped during the past decade as said it improved.

The poll, conducted Feb. 6-13 by The Courier-Journal, surveyed 605 adult Kentuckians, including 626 who said they were registered to vote.

"It's really clear that the big dollars in elections have gotten people's attention," said Robert F. Sexton, chairman of the Kentucky Center for Public issues, a non-profit research institution in Lexington. "They are obviously highly frustrated and cynical about the results."

Among registered voters, the poll found that about three in five think the large amount of money needed to run the campaigns is a major cause of corruption in Kentucky politics.

About the same number said large contributors who are seeking influence in government after an election also are a major cause of corruption.

And three in four voters said they think high campaign costs keep the best candidates from seeking public office.

An overwhelming number of Kentucky voters—85 percent—believe that campaign spending should be limited. But they also oppose the public financing of elections as a solution.

Those who said they wanted limits were asked if they supported or opposed giving candidates some tax money if the candidates agreed to limit their spending. The courts have ruled that such limits can't be forced, but states have used public funding to encourage voluntary compliance. Of those asked about the public financing, 51 percent were opposed, 36 percent supported it, and the remainder had no opinion or gave other answers.

"People tend to be very suspicious about public financing," said Richard Morin, director of polling for The Washington Post. "It smacks of Big Brotherism."

Sexton added that people also object to having their tax money support political views they may disagree with.

But state Sen. Michael R. Moloney said, "By the end of this governor's race, with the amounts of money being raised and spent, I believe the people of Kentucky will be willing to say 'stop.' In 1992, they will support campaign-financing laws."

Moloney, D-Lexington, said spending increases with each election. "The figure this year will approach $25 million, and that is criminal," he said.

Moloney has proposed partial public financing, limits on non-bid state contracts and limits on party contributions used to skirt contributions to individual candidates.

Along with the concern about money and politics, the poll found widespread pessimism about government.

Among all adults polled, almost half said they thought local elected officials cared more about making things better for a few special interests than for the majority of the people.

Asked about the level of ethics and honesty in Kentucky politics, only 11 percent said the level had improved in the past 10 years; 47 percent said it had stayed the same; and 30 percent said it had fallen.

On all questions, the percentages were similar for Democrats and Republicans.

Kentuckians' views may not be as pessimistic as the nation's.

In an ABC News/Washington Post national poll in September, 61 percent said the chief elected officials in their areas cared more about special interests than the majority of the people—compared with 49 percent in the Bluegrass poll, which asked a similar question.

But Morin said the overall findings about attitudes toward government in the state poll were roughly consistent with national findings.

Generally, he said, people have "a profoundly cynical view of government." This has been a long-term polling trend, even though trust in government improved significantly during the 1980s. Trust was high during the 1950s and 1960s, he said, but declined sharply from the mid-1970s to the early 1980s, a period bracketed by the Watergate scandal and the Iranian hostage crisis.

The poll found that blacks were more likely to feel local officials were looking out for special interests—78 percent, contrasted with 47 percent for whites.

In the economic breakdown, those with total household incomes of less than $15,000 annually were more likely to feel officials were most concerned with special interests than were people in higher-income households.

The poll's margin of error means that, in theory, in 19 of 20 cases the poll results would differ by no more than 3.5 percentage points from the results that would have been obtained by questioning all Kentucky adults with telephones. The margin for the 626 registered voters is 3.9 points.

Q. Do you think the large amounts of money it takes to run a political campaign are a major cause of corruption, a minor cause, or not a cause of corruption in Kentucky politics and government?

Major cause of corruption, 62%.
Minor cause of corruption, 24%.
Not a cause of corruption, 4%.
No opinion, 10%.

Q. Do you agree or disagree that large amounts of money necessary for major statewide election campaigns in Kentucky have kept the best qualified people from running for office?

Agree, 76%.
Disagree, 14%.
No opinion, 10%.

Q. Would you say the local elected officials where you live care more about making things better for the majority of the people there, or care more about serving a few special interests?

Care more for majority of people, 35%.
Care more for special interests, 49%.
No opinion, 16%.

The PRESIDING OFFICER. The junior Senator from Kentucky is recognized.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. PRESSLER. Mr. President, I am very much in favor of campaign reform. But this legislation is a tragedy—a partisan bill in a partisan year. It is what is wrong with Washington. It is why Congress is not respected.

We all know that this bill has been written by members of the majority party to favor them. For example, it does not eliminate political action committees [PAC's]. The conference report in fact will encourage the development of and proliferation of labor union PAC's. It does not eliminate "sewer money" spent by labor unions, though it does for the political parties. Most unsettling is this legislation's heavy reliance on taxpayer dollars to fund campaigns. The American people cannot afford the tax dollars this legislation proposes to spend on congressional campaigns.

I hope the President vetoes this legislation, as he has indicated he will. I shall support the President on that veto.

This is quite a different bill than the one the Senate passed last year. It is a travesty that an attempt will be made to use this legislation as an example of campaign reform when in fact it is not. I think the American people will see through it.

The bill the Senate passed last May eliminated PAC's entirely. The conference report does not. The conference report does not eliminate "soft money" or "sewer money" spent by labor unions.

It will put our Nation deeper in debt by causing the taxpayers to subsidize political campaigns to the tune of $250 million per election. It also taxes broadcasters about $50 million per election by requiring price discounts for politicians to run their commercials.

The conference committee cut and pasted together two separate sets of campaign rules, one for the Senate and one for the House. Furthermore, the conference committee throws wide open the doors to public financing of congressional campaigns. Estimates place the cost of public financing and broadcaster subsidization at nearly $1 billion over a 6-year Senate election cycle. In this time of record Federal deficits, I cannot support that type of spending.

Moreover, the conference report supports campaign spending limits, which principally favor incumbents.

Because of the different campaign rules of the Senate and the House, costly public financing and spending limits, S. 3 will be vetoed by the President. There are not enough votes to override the President's veto.

I am committed to responsible campaign reform, but this legislation is not true campaign reform. I cannot support the conference report. I continue to support real campaign reform.

Congress will visit this issue again. When it does, I hope we can write legislation that has a real chance to become law and brings true reform to campaigns for the U.S. Senate and House of Representatives. In my book that includes eliminating PAC's and eliminating sewer money, not only for political parties, but also for labor unions.

Mr. President, I have several questions I would like to submit to my col-

league from Kentucky in the form of a colloquy. Perhaps we can do that at this point. Proponents of the conference report state this legislation is a start toward controlling the influence of political action committees. Is that an accurate reading of this legislation.

Mr. MCCONNELL. I say to my friend from South Dakota, absolutely not. If anything, PAC's are going to have more important Senate legislation. To the extent this legislation allows private funding at all, that portion will be completely dominated by PAC's, on the House side continuing with the $5,000 per election; on the Senate side, as my friend pointed out in his statement earlier, we had in the Senate version adopted the position previously advocated by myself and subsequently most Republicans of eliminating PAC's altogether. They are back in the conference report. Now it is $2,500 allowable in the Senate. Clearly, PAC's will be a bigger factor under this conference report than they are at the present time.

Mr. PRESSLER. Those in favor of the conference report hail the spending limits it contains. Are these spending limits subject to any loopholes?

Mr. MCCONNELL. Massive loopholes. The first loophole referred to by Senator HATCH earlier, and yourself, does absolutely nothing about nonparty soft money, the real sewer money in the system, labor union spending, tax exempt organization spending and the rest. In addition to that, written into the conference report there is a major loophole for what is called compliance costs in House races. This will be a massive loophole through which you could drive a truckload of lawyers and CPA's. So these are spending limits that clearly will not work.

Mr. PRESSLER. Last May I voted for S. 3, which was called the Senate Ethics Election Act of 1991. Proponents of the conference report claim this is the same legislation the Senate passed last year. Is that a fair reading of the legislation we will vote on today?

Mr. MCCONNELL. This is a very different piece of legislation. The most significant way in which it varies from the bill you voted for last summer is that it does not in any way abolish PAC's. In fact, it strengthens PAC's.

Mr. PRESSLER. Finally, does this bill go far enough in stopping the use and abuse of "soft money," commonly known as "sewer money?"

Mr. MCCONNELL. Absolutely not. This bill seeks to restrict political party activities, something David Broder, probably the most famous political reporter in the country, thinks is a terrible disaster. As I indicated earlier, it does absolutely nothing to restrict the activities of groups that hide behind the Tax Code and spend unlimited and undisclosed amounts in behalf of campaigns, so it has massive loopholes and does nothing about nonparty soft money.

Mr. PRESSLER. Does this legislation treat candidates for the Senate and the House of Representatives equally?

Mr. MCCONNELL. It has two sets of rules. An interesting question is what happens when you have a Congressman running for the Senate? It is absolutely insane to have two different sets of campaign standards for Federal office, one for the House and one for the Senate.

Mr. PRESSLER. I thank my colleague.

Mr. MCCONNELL. I thank my friend from South Dakota for his excellent statement as well.

Mr. BOREN. I yield 7 minutes to the Senator from Tennessee [Mr. SASSER].

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 minutes.

Mr. SASSER. I thank my friend from Oklahoma.

Mr. President, I want to congratulate and commend the distinguished Senator from Oklahoma [Mr. BOREN] for the splendid job that he has done in putting this campaign finance reform bill together. I think it is a landmark bill and a landmark effort on the part of our friend from Oklahoma, and I think the entire U.S. Senate and certainly the American people should be grateful to him for his efforts.

Passage of this legislation is long overdue. The money chase that candidates for public office must engage in has to come to a halt. We need a voluntary limit on campaign spending. We need a limit for a lot of reasons, ranging from the need to encourage more of our citizens to run for elected office to the need for elected representatives of the people to have more time to do the peoples' business of governing this country as opposed to running nonstop all over the country from one part to another raising money so they can run for reelection.

This legislation has a number of features which I think merit our support. One, it places voluntary limits on campaign spending. It provides incentives through reduced mailing rates and cheaper broadcast time for candidates to accept these voluntary campaign spending limits. It does require that a candidate for the Senate, for example, to raise from $90,000 to $250,000 in funding in order to qualify, but it also enables a candidate to have the wherewithal to respond to independent, third party expenditures that might be made against him or her.

Limits on personal contributions to a campaign that are contained in this bill prevent a wealthy candidate from simply spending millions of dollars of his or her own money to buy their way into an election and to, in essence, purchase a seat in the Congress.

Congressional leadership PAC's are also prohibited and there are new restrictions on the so-called bundling of campaign contributions to candidates for Federal offices. We recently saw the most flagrant of use and abuse of the bundling concept in the $9 million fundraiser that the Republican Party hosted just the night before last and, according to news accounts, if you raised $92,000 through bundling or some other way, then you had the right to get your picture made with the President of the United States. I hope that those news accounts are wrong, but I suspect they are not.

We do know the beneficial effects of campaign financing reform at the Presidential level. Presidential candidates, once they receive their party's nomination, receive full public funding after that date if they agree to spending limits. As of 1992, when George Herbert Bush receives his party's nomination, he will have received over $200 million in campaign funds from the Treasury fund which provides for public financing of Presidential elections. I see nothing wrong with that. I applaud the public financing of Presidential elections and I do not understand why the President thinks it is all right for his election or reelection effort to be funded out of the Treasury but thinks it is evil in some way for the campaigns of Senators or those who aspire to the House of Representatives to be partially funded out of the Treasury.

What is the benefit of a system such as that which covers the election for Presidential office? I think it ought to be obvious to everyone that it frees the candidate for the highest office in this land to discuss the issues with the American people, to lay out his platform or her platform, to engage in public debate about the values and the policies that the candidate stands for, rather than spending most or all of their time running around the country seeking to raise excessive amounts of political money.

This bill does not provide for direct public financing of Senate and House candidates, but it does set spending limits on campaign funding, and it does provide benefits to candidates in the form of reduced broadcast rates, broadcast vouchers and low-cost mail rates.

It does free the candidate to attend to the most important part of the election process, setting forth the policies and the programs that he or she believes are best for the country.

Some ask, well, why should we go forward with this bill? It is obvious the President is going to veto it. It is obvious the veto is going to be sustained here in the Senate. I think the American people are growing very weary indeed of Government by minority, and that is what we are seeing every time this President vetoes a meritorious bill here in the Congress.

People know that this veto is simply an affirmation of the status quo. It is an affirmation of Government by the minority. It is business as usual, and that is what they are sick and tired of.

Yes, we need to move forward with this bill. Changes are desperately needed in our system of campaign financing. When you have a system where the average cost of winning a seat in the House of Representatives costs $400,000, and the average cost of winning a seat in the U.S. Senate is $4 million, the American public knows it is time for a change.

So we can take a major step toward campaign financing reform by supporting this conference report and by restoring the power of the people over the power of the special or monied interests in the current electoral process.

I urge a vote in support of the conference report.

Mr. MCCONNELL. Mr. President, I yield 4 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

Mr. KASTEN. I thank the Senator.

Mr. President, I rise today in opposition to the conference report on S. 3, the Election Reform Act of 1992. I believe that the people of America are right to be angry—damn angry—about the way that our political process is working. In my view, and I think in the view of the people all across the State of Wisconsin, genuine campaign reform is absolutely essential. We have to rescue the democratic process from the abuses that are now eroding public confidence.

That is why it is essential that we oppose any so-called reform that only codifies and perpetuates the cynicism of the current process. This bill does nothing, nothing at all, to address the real malfunctions of the system. Instead, it asks U.S. taxpayers to subsidize the current system.

S. 3 is a fig leaf, a disguise to cover up the unwillingness of the majority party to consider genuine reform.

What does this bill actually do? First of all, it says it limits campaign spending and claims that this will result in a more free and fair election process. This is absolutely false. You might as well call this part of the bill the "Incumbent Protection Act of 1992," because to equalize spending by both challengers and incumbents leaves the incumbents with huge advantages in any campaign. A challenger does not have staff assistants paid for by the taxpayers, or free office space, or the privilege of sending franked mail, or the substantial name ID, the name recognition enjoyed by most incumbents.

So to insist on dollar equity in campaign spending is to essentially lock out these challengers, to deny them an even playing field in the elections. Because it is an effective denial of free speech, it impinges on the first amendment. And that is why, in a letter to all Senators dated April 27, 1992, the American Civil Liberties Union has expressed its strong opposition to this bill; because it denies challengers the effective rights of free speech.

Second, as if to add insult to injury, the bill asks taxpayers to subsidize the very system that denies them a fair choice. Public funding of these congressional campaigns is expected to cost $250 million in Treasury funds for the 1994 congressional elections alone.

The American people are, frankly, fed up with the current campaign process. And what this bill does is ask the American people to subsidize the very system that they are fed up with.

This is unacceptable. It is the equivalent of welfare for political candidates. But actually, that comparison might be unfair to welfare recipients, because in many States, welfare recipients have to meet a work requirement in return for a taxpayer subsidy.

This bill would make a taxpayer subsidy available to any lunatic-fringe candidate without regard to his or her affiliations or beliefs. This is already happening on the Presidential level. Taxpayers have funded Lyndon LaRouche, a convicted felon, to the tune of $1.78 million since 1980; and we have funded Lenora Fulani, an obscure Marxist professor, to the tune of $2 million since 1988. And most of us cannot name or do not know who this individual, Lenora Fulani, is.

The American people think—and I agree with them—that this is simply an outrage. On all of our tax forms, there is a little box we can check if we want to subsidize the Presidential campaign. Currently, 84 percent of Wisconsin taxpayers are checking off "no" in response to the subsidy on Presidential campaigns. They are saying: No; we will not subsidize political campaigns.

In 1990, which was the last year for which records are complete in Wisconsin, 2,252,000 Wisconsinites filed tax returns. Only 359,000—that is 16 percent—checked the box saying they wanted to subsidize Presidential campaigns.

The fringe candidates that we have lured into the Presidential race are bad enough. Just imagine how many more of them will climb out of the woodwork to run for Congress and the Senate if we encourage them through taxpayer subsidies. This bill does not ask what you think about David Duke, Lyndon LaRouche, or Lenora Fulani. It just says: Congratulations, Mr. and Mrs. Taxpayer; you are now a contributor to these fringe campaigns.

Mr. President, the American people demand genuine campaign reform. This bill is just not good enough. That is why I urge my colleagues to oppose this conference report and work together in a bipartisan manner to pass meaningful, workable, sensible campaign finance reform.

I ask unanimous consent that the letter from the American Civil Liberties Union, along with an outline of the spending by the fringe candidates, be printed in the RECORD as part of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, April 27, 1992.

DEAR SENATOR: The American Civil Liberties Union opposes the campaign financing legislation that will be considered this week by the Senate. The limitations on campaign contributions and expenditures contained in the conference bill impinge directly on freedom of speech and association and will not solve the problems of fairness and financial equity that the legislation is intended to remedy. Moreover, in our view, the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech. In essence, it amounts to government buying an agreement from candidates that they will not speak as freely and frequently as they otherwise might and that they will impose additional limits on the expressions of support they will accept from others.

It is true that the current system of private campaign financing does cause disparities in the ability of different groups, individuals, and candidates to communicate their views on politics and government. However, the appropriate response in keeping with our nation's constitutional commitment to civil liberties is to expand, rather than limit, the resources available for political advocacy. Public financing can play a powerful role in expanding political participation and understanding, but it should not be used as a device to give the government a restrictive power over political speech and association.

We urge you to reject the campaign finance package that emerged from the conference and instead focus on meaningful reforms that would facilitate the candidacies of those who might not otherwise run and broaden the spectrum of campaign debate.

Sincerely,

MORTON H. HALPERIN.
ROBERT S. PECK,
Legislative Counsel.

Total sums of public matching funds received by third party candidates

Sonia Johnson:	
1984	$193,734
Lyndon LaRouche:	
1980	470,501
1984	494,145
1988	820,781
	1,785,427
Lenora Fulani:	
1988	922,106
1992	[1] 1,174,329
	2,096,435

[1] Effective April 29, 1992.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I yield 7 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7 minutes.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Problem: New York Times: "Bush Earns $8 Million For Party and Criticism For Himself; $1,500 to $400,000 Contributed by Individuals, Groups, and Organizations."

Mr. President, I will not just talk about this fundraiser. I will talk about the raising of money as it applies to Republicans and Democrats in a moment. But this is really obscene. It undercuts the whole idea of democracy. That is what we are talking about here.

In a democracy, so my father taught me, each and every person counts as one and no more than one. Marlin Fitzwater says it is "buying access to the system."

Yes, it is buying access to the system. But that is not the way it is supposed to work. Too many people are left out. This is government to the highest bidder. This is checkbook democracy. This is auction-block democracy. This is not what this country is all about. It is also precisely what people are angry about, and where and why people are calling for change.

Now, Mr. President, I went through this in my own campaign. We did not raise a lot of money. As a matter of fact, when I came here to the Senate, I received advice from a very fine colleague that I needed to get serious about raising, roughly speaking, $10,000 a week for reelection. By the way, Mr. President, I am way far behind; way behind. It does not make any sense.

I ran for office. I approached people here in Washington, DC: Were they interested? I talked about my ideas. I talked about my hopes for the country. They were not really interested. It was a matter of was I wealthy; how much money did I have. This is what it has come down to.

Moreover, not only does money determine who gets to run or who gets elected; I have been hearing some of my colleagues on the other side of the aisle saying that S. 3, the piece of legislation that Senator BOREN has worked on so hard, would really lock it in for incumbents. I am under the impression that from 1990—and I was lucky enough to be the only person to defeat an incumbent in the 1990 Senate races—the incumbents have already an overwhelming advantage in terms of raising this money; they were the ones tied into the PAC's; that they were the ones tied into the huge war chests.

That, I think, is what the evidence suggests. What is worse is its effect on policy when we get here. I am not talking about the corruption of an individual officeholder. I am talking about something much more serious. I am talking about systemic corruption, wherein too few people, because of their economic resources, have too much access and too many people are left out of the picture. I am talking about money affecting policy performance here.

You and I both, Mr. President, have introduced health care legislation. I read in the papers that sweeping national health insurance may not have much of a chance because the health industry in the last 10 years has poured in $60 million to Representatives and Senators—that is what we are trying to deal with—in the last 2 years, $20 million.

That is not the way we are supposed to conduct government. Let me repeat that that is not the way we are supposed to conduct government. I really think that this is about as fundamental a debate as we will have and as fundamental a vote as we will take.

Mr. President, it is hard—and the Senator from Oklahoma knows this—for me to talk about this in 7 minutes. This is such an important issue. I think it is whether we are going to have a functional democracy or real representative democracy.

Does S. 3 go far enough? No; I thought it was about compromise. I will tell you something. I would like to eliminate all the big money out of politics. If I get my day, sometime I will introduce that kind of legislation.

I will tell you something else. I think the threshold test is too high for a candidate to qualify. We now have lowered the limit to between $250,000 and $90,000, I think something like that, for an individual depending upon population of State. My point of view is most regular people could never raise $90,000, myself included, of their own money, much less $2,000.

But is S. 3 a step in the right direction? Let me repeat that. Is S. 3 in the right direction? People on the other side of the aisle keep dancing all around and keep telling us this bill is not the right piece of legislation for this reason, the right piece of legislation for that reason. They have all sorts of reasons for opposing some effort to finally at least take a step—let me repeat, a step—toward reducing this obscene expenditure of money which so severely undercuts democracy.

Mr. President, let me conclude by quoting Haynes Johnson in his fine book "Sleepwalking Through History." In Midland, TX, entrepreneurs in the Nation's oil production capital gathered at the Holiday Inn to celebrate Reagan's inaugural. On a buffet table they placed a cutout of the Capitol dome in Washington. On it was one word, "Ours." For too many people in this country, they do not consider the U.S. Capitol to be theirs.

This piece of legislation is an important step in giving people some assurance and reassurance that we will finally do something about the money chase. We are going to get serious about maximizing democracy, and we are going to finally make sure that people have more say and more control over their own Capitol and their own Government. For the life of me, I cannot understand why any of my colleagues would vote against such an important step.

I yield the remainder of my time.

Mr. MCCONNELL. Mr. President, I yield 3 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, the real aim of Federal election campaign reform ought to be to help make campaigns more competitive. This conference report only helps Senators and Congressmen keep their jobs.

The limits this bill places on contributions for challengers will make it harder for them to win campaigns against incumbents.

The public financing authorized in this bill makes Americans foot the bill for many political campaigns and candidates they would not otherwise support.

A look at the estimates that I have seen about the cost in each election cycle of this bill indicates that in each election year between $245 million and $364 million will be spent subsidizing Senate and House campaigns. A midway estimate is about $300 million for the 1994 elections. The cost, therefore, of subsidizing these elections over a 6-year Senate election cycle would be about $1 billion.

The Federal Election Commission has estimated in testimony before the Rules Committee that it would cost at least $2 million each year to oversee and administer the program that is authorized in this legislation. They are already spending $18 million each year in administrative costs at the FEC, and I doubt very seriously, if you look at the complexity of this legislation, that they could do it for $2 million per year.

The Appropriations Committee is convening right now downstairs on the first floor to consider a rescission bill that will cancel funding for a multitude of Federal programs for this fiscal year to try to reduce the deficit in this current year's budget. It is the height of irony that the Senate is being asked here on the floor, at the same time that that meeting is taking place, to create a new spending program that will add to the deficit. They have said that sometimes the left hand does not know what the right hand is doing. That is obviously true here in the Senate today, or maybe it should be said that the left hand does not know what the farther left hand is doing today in the Senate.

Mr. President, we should vote "no" on this conference report.

Mr. MCCONNELL. Mr. President, I thank my friend from Mississippi for his outstanding statement. I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to thank my colleague and friend from Kentucky, Senator MCCONNELL, for his leadership on this issue. And, likewise, I would like to compliment my friend and colleague, Senator

BOREN. I compliment him for his dedication on this issue.

I do not agree with the final product of the conference. I think the final product leaves a lot to be desired. I urge my colleague from Oklahoma to take up Senator DOLE on his request that he made yesterday that we work together in a bipartisan fashion to pass a bill that could pass and be signed by the President of the United States. This bill does not meet that criteria. This bill is not a bipartisan bill. It is a bill that was passed by the Democrats in both the House and the Senate, and it is fatally flawed. It will be vetoed and the veto will be sustained.

It is like the tax bill. It may be good for politics, I do not know. But we are wasting our time. There is not any person in Washington, DC, or probably the country that thinks this bill has any chance of becoming law. The President is going to veto it. We will sustain his veto.

So I urge those people who are involved in leadership on this issue. Let us work together in a bipartisan fashion and see if we cannot pass a bill that the President can sign.

In this Senator's opinion this bill is fatally flawed for several reasons. First and foremost, it has public financing. It has taxpayer financing of several provisions that enhance politicians running for reelection. The President stated he would veto it.

Many of us stood on the floor and said we will support a bill, but we do not want the taxpayers picking up the tab. They should not subsidize my race or anybody's race running for the U.S. Senate or the U.S. Congress. The cost of this bill is enormous. We have estimated the cost of this bill—I say "we" talking about the Republican Policy Committee—to the tune of over $300 million per election cycle, over $1 billion over a 6-year period of time.

I am putting into the RECORD a very significant statement that details, with footnotes, how we came up with those calculations. It has several subsidies. I heard one of my colleagues say, well, there are incentives to participate, one of which is broadcast vouchers. In small States the bill gives a broadcast voucher, paid for by the taxpayers, worth $190,000, to go out and have free TV or radio time. The bill goes further. It mandates to the broadcasters that they have to provide rates of one-half the lowest rate of anybody. That means this bill is going to give politicians, candidates for the U.S. Senate, rates one-half the rate that they charge for churches.

I talked last night to a broadcaster from Ardmore, OK. He said, "We give the lowest rate basically to charitable organizations and churches. If you tell us that we have to offer politicians one-half of that rate, we are going to raise the lowest rate because, frankly, we do not make money on the church ads," and so on.

The net result of this bill is that we are going to raise the rates for charitable organizations, those minimum rates; if we have to give Senate candidates one-half of the lowest rate, we are going to have a much higher charitable organization rate. I think we need to think about this, because we are going to be increasing the advertising rates for a lot of charitable organizations. I know that is not the intention, but I think it will be the result.

Then I might mention public financing—I have heard my colleagues talk about it a little bit—we are going to say that politicians can mail at a special third-class rate. Why in the world should politicians be able to mail at 9.8 cents when most third-class mail costs 16.5 cents? I do not think we should have that kind of "entitlement."

Then when we get into broadcast discounts, why in the world should we be so special to have one-half the rate of anybody else? Certainly, if it applies to U.S. Senate and U.S. congressional candidates, it has to apply to any other candidate such as for city council, county commissioner, or State Governor. So we are going to be mandating a much lower rate than anybody else in the country. I think advertisers are going to have real trouble with that.

I happen to be in a State where we have a lot of broadcasters, small radio stations and TV stations that are not making any money. Why in the world should we go and tell them that we deserve something special, we deserve a lower rate than any of your commercial customers or then even your charitable organizations?

Then I heard some of my colleagues say these are voluntary spending limits. I beg to differ.

Mr. President, if it is voluntary and a person elects not to comply, then his opponent, if the general election limit is $950,000, that is the minimum amount, if the noneligible candidate exceeds his spending limit by that amount, his eligible opponent is going to get a million dollars. If it is one of the larger States like California, if the noneligible candidate exceeds it by $5 million, the eligible candidate is going to get $5 million. That is not voluntary. Eligible candidates receive taxpayer subsidies of $1 million or $5 million. Because another person elects not to participate, they can take that money and buy twice as much advertising for the same dollar.

So you are turning a subsidy into a massive advantage, even for a small State, the smallest of States. With $950,000, if your opponent does not participate, then you can look at a tax subsidy of $950,000. You will have that matched, $950,000. You get to buy broadcast at one-half the rate. That is equal to $1.8 million. Add in the vouchers, add in the mail subsidy, and you are talking about subsidizing, even in the smallest State, to a tune of $2.5 million.

We need to reject this bill. I yield.

Mr. BOREN. Mr. President, there are a lot of factors here and a lot of complications, because we have Supreme Court decisions to deal with. We can argue back and forth about fine tuning this bill, what the broadcast rates ought to be, how we can keep the cost to the taxpayers down.

The bill provides that there will be no general revenues selected from the taxpayers at large to finance the bill. That ought to be on the record.

Let us deal with the essential issue and the reason why we have not been able to work out a compromise that would satisfy both sides of the aisle. That all comes down to one issue on which there is a fundamental disagreement. That issue is: Should we try to place limits on the amount of spending in campaigns? That is the issue.

Those on the other on the other side of the aisle say "no," that somehow restricts the freedom of Americans. Those of us who crafted this bill believe that the most important thing we can do to turn Government back to the people is to put a limit on campaign spending.

In over 95 percent of all of the elections in this country for the Congress, for national office, the candidate that raises the most money wins. It does not matter if it is a Democrat or a Republican. The candidate that raises the most money wins. It is no wonder that in the latest Gallup poll 71 percent of the American people said: We believe that Congress represents special interests, those who have the ability to pour money into campaigns, instead of representing us.

Mr. President, many of us in this body believe enough is enough. Let us stop the money chase. Let us bring competition and politics back on the issues, on the qualifications of the candidates, and not on the basis of who can raise the most money.

Incumbents in the last election cycle were able to raise eight times as much as challengers in the House, three times as much money as challengers in the Senate. No wonder the people believe that the deck is stacked in favor of incumbents, because those people who are here have the ability to raise more money than those people who are trying to get here. If our bill had been in effect with its spending limits during the last election cycle, almost no challengers—only a handful—would have been able to come up with that limit. The average challenger would still be $800,000 below the limit, but the average incumbent would have exceeded the limits by $1.5 million.

I think this chart explains it very clearly. If the limits had been in effect under this bill—the spending limit—in 1990, incumbents would have gone over the limit by a total of $45 million. The very few challengers who went over the limit, went over the limit by only $3.6

million. The deck is being stacked against the challengers, and it is being stacked because of the power of money. Where is that money coming from?

More than half of all the money poured into campaigns did not come from the people back home at the grassroots; it came from the special interest groups, the political action committees, the lobbying groups of both labor and business.

Where do they give their money? In 1990, they gave $16 in the House—the political action committees—to incumbents for every $1 they gave for challengers. In the Senate they gave $4 to every incumbent—Republican or Democrat, it did not matter—versus $1 per challenger.

The problem is not getting better. It is getting worse. So far in this election cycle, the special interest money, the PAC money, is going 25 to 1 to incumbents over challengers, and 15 to 1 for incumbents over challengers in the Senate.

Enough is enough. The people are right. We need change. This institution needs to be put back in the hands of the people, and not kept in the hands of those who have the power to pour more and more and more money into the political process. The issue is spending limits. Let us stop this money chase, which has taken the average cost of a campaign in this country from $600,000 to win a U.S. Senate race just 12 years ago to $4 million this year.

Are we going to wait, Mr. President, until it takes $10 million to win a Senate race, or $20 million or $50 million? How much is enough? When will we return this Government back to the people where it belongs? When will we start to merit the confidence of the American people, 80 percent of whom said last week they had no confidence in the Congress?

We can take no more important action than to pass this bill by an overwhelming majority and say let us begin to squeeze excessive special interest money out of the political process.

I yield to the Senator from Massachusetts 8 minutes.

Mr. NICKLES. Will the Senator yield for a second?

Mr. KERRY. Not on my time. Mr. President, I am happy to yield for a question or a comment, as long as it is not on the time of the Senator from Oklahoma.

Mr. NICKLES. If I could ask the Senator for 2 minutes and add that to my statement, then I will yield.

Mr. McCONNELL. Mr. President, let me say the problem is that we had two speakers in a row on this side, and I assume they are taking two in a row on the other side.

Mr. NICKLES. I would like to complete my statement.

Mr. KERRY. Mr. President, I have no objection to the Senator from Oklahoma completing his statement.

59-059 O—96 Vol. 138 (Pt. 7) 40

Mr. NICKLES. Mr. President, when we are talking about limiting special interests, when we passed the bill in the Senate we spent zero on PAC's, and some of us think that might be unconstitutional. So then we said PAC's will be limited to $1,000. When the bill came back from conference all of a sudden PAC's can give Senators $5,000.

Many think PAC's should not be able to give fully more than individuals can give. The bill did not come back limiting special interests. It came back expanding special interests. The House cap is the same as under current law, $10,000. The PAC's can still give $10,000.

Many of us are interested in limiting PAC's and maybe that is what we can do in bipartisan fashion, one of the things we should do.

I want to point out some of the inequities from this bill.

I see my colleague from North Carolina is here and he has a State which has a voting-age population of 5 million. The State of New Jersey has a voting-age population, 5.9 million, and the spending limit is almost $7.6 million. And the State of North Carolina has a spending limit of $3 million. Actually I look at the State of New York voting age population of 13.6 million and the limit is $6.7 million. In other words, New Jersey gets to spend more than New York. Page 7 of the bill is where New Jersey gets a heck of a deal. They get a higher rate than any other State in the Nation. That is interesting. I look at other States and see Wyoming has one-fourth of the population of West Virginia but have the same spending amounts. There are a lot of gross inequities in here. I do not know how people were able to put in there a little special interest provisions, whatever Senator or House Member, but these inequities should not become law, this bill should not become law.

Again I thank my colleague from Kentucky for his yielding, and also my friend and colleague from Massachusetts as well.

Mr. President, on April 10 the Senate passed a budget resolution that contains a deficit of $394 billion for fiscal year 1993. Most Members of Congress will be amazed if the actual deficit for fiscal year 1993 is less than $400 billion.

Now, a majority of the House of Representatives has passed, and I suppose a majority of the Senate will soon pass, a bill that proposes to give out hundreds of millions of dollars to subsidize our own reelection campaigns for the Senate and the House. Over the Senate's 6-year election cycle, S. 3 could cost taxpayers and the private sector $1 billion. It is hard for me to think of a program that is less worthy of public funds.

For that reason, and others, I am confident that the President will veto this bill. The President has promised to veto any bill that contains taxpayer financing of congressional campaigns. And this bill, S. 3, is the first of two steps toward taxpayer financing for our political campaigns.

S. 3 has been cleverly drafted: it authorizes taxpayer financing without actually handing over the dough. It was written that way so that Members who vote for the bill can claim both to have supported taxpayer financing and to have opposed it.

For example, in an editorial of April 6 the New York Times said, S. 3 contains "sensible public financing." The same day, the Washington Post said, S. 3 "provide[s] partial public funding." Members who agree with the opinions of the New York Times and the Washington Post can vote for this bill and say they supported a bill with public financing. For example, on the House floor Congressman TED WEISS, Democrat of New York, said, S. 3 "includes public financing provisions similar to those instituted for Presidential elections in 1974. * * *" [138 Cong. Rec. 9009 (daily ed. April 9, 1992)] Congressman WEISS voted for the conference report on S. 3.

At the same time, because S. 3 does not actually say how its subsidies are going to be paid for, Members can vote for this bill and say they are opposed to taxpayer subsidies. For example, Democratic Representative MARILYN LLOYD of Tennessee submitted a floor statement that contains this remarkable sentence: "The conference agreement does not contain public financing which I strongly oppose." [138 Cong. Rec. H2518 (daily ed. April 9, 1992)] Congresswoman LLOYD voted for the conference report on S. 3.

The conference report on S. 3 attempts to provide political cover to congressional candidates who want to feed at the Federal trough but know the taxpayers won't stand for it. Here is how it works:

First, the conference report takes some 30 pages to explain how candidates for the Senate and the House of Representatives can qualify for subsidies of one sort or another. Then, the conference report takes a handful of words to say, "Hold on, we haven't yet figured out who we are going to tax to pay for these benefits so the provisions of this bill are not effective until we figure that out. Section 902 is where the bill says, Hold on * * *." Subsection (a) of section 902 provides in its entirety,

> The provisions of this Act (other than this section) shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of subsequent legislation effectuating this Act.

This sleight of hand allows Members to claim that the bill both does and does not provide taxpayer financing for political campaigns. It really does provide subsidies, of course, but not just yet.

Subsection (b) of section 902 is equally creative. It provides in its entirety,

It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

Note that only "general revenue increases" are mentioned. If general revenue increases are out that leaves only particular and specific revenue increases—which is the way most taxes are paid anyway. The sponsors of this boondoggle are afraid to tax the general public to pay for their reelection campaigns so they are hoping to find some small and unpopular group to tax.

Since the whole purpose of S. 3 is to provide subsidies to candidates running for Congress, it is virtually certain that if S. 3 is enacted Congress will find some group to tax to pay for the costs of S. 3.

And those costs are substantial: The Congresssional Budget Office [CBO] estimates that just for the 1994 elections S. 3 will cost the public sector between $93 million and $170 million. The Republican Policy Committee [RPC] estimates that for just the 1994 elections S. 3 will cost the public sector about $250 million and the private sector about $50 million. The private sector subsidies are provided directly by broadcasters in the form of half-price broadcast rates.

If candidates participate in the subsidy system of S. 3 at the rates assumed by the RPC, for Senate and House elections both S. 3 will cost taxpayers and broadcasters about $1 billion over the 6 years of a Senate election cycle.

I ask unanimous consent that a table comparing the CBO and RPC estimates be included at the end of my statement, see appendix A.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. Mr. President, of course, S. 3 provides subsidies to candidates for both the Senate and the House. I will not talk about the benefits available to candidates for the House, but those benefits are summarized in appendix B, and I ask unanimous consent that appendix B be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NICKLES. Mr. President, candidates for the U.S. Senate are eligible for the benefits of S. 3 if they:

First, agree to limit their spending in primary, runoff, and general elections;

Second, meet requirements related to timely filing, recordkeeping, money management; and other matters; and

Third, raise 10 percent of the general election expenditure limit—or $250,000, whichever is less—in contributions of $250 or less from individuals, one-half of whom must reside in the candidate's State.

The general election expenditure limit [GEEL] is based on population and runs from $950,000 in smaller States to $5.5 million in California. A State-by-State list of spending limits and benefits for eligible candidates may be found in appendix C. I ask unanimous consent that appendix C be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. NICKLES. Mr. President, once a Senate candidate has met the qualifications of S. 3, he or she becomes an eligible candidate who is entitled to:

First, a voter communication voucher equal to 20 percent of the spending limit, 10 percent of the limit for a minor party candidate;

Second, the excess expenditure amount which is doled out on a sliding scale according to the amount raised by a noneligible opponent;

Third, the independent expenditure amount which is given to an eligible candidate to counter independent expenditures that are made for his or her opponent or against him or her if the expenditures are above a trigger amount. The trigger amount is $10,000 up until the 20th day before an election when the trigger amount falls to $1,000;

Fourth, special mailing rates that allow the candidate to mail at a reduced rate the number of pieces of mail that is equal to the voting age population [VAP] in the State; and

Fifth, broadcast media rates that are not greater than 50 percent of the "lowest charge of the station for the same amount of time for the same period on the same date."

Needless to say, these benefits are going to cost millions and millions of dollars. In my State of Oklahoma, for example, if my opponent were to become an eligible candidate under S. 3 he would receive something like $1.2 million in subsidies from taxpayers and something like $556,000 in subsidies from broadcasters—and I am convinced that those estimates are low.

To begin with, my Oklahoma opponent would get media vouchers worth $220,000. The vouchers are issued by the Federal Government and can only be spent on buying ads.

Next, my eligible opponent would receive something called the excess expenditure amount to match donations given to me on a private, voluntary basis which exceed S. 3's spending limits. In the RPC estimate of S. 3's costs, my opponent was assumed to be eligible for a subsidy equal to 67 percent of the general election expenditure limit. That estimate is going to be too low, however, if I raise or spend more than 67 percent above the spending limit, which most likely would be the case. Therefore, in the RPC estimate my opponent was assumed to receive a subsidy of about $741,000 for the excess expenditure amount, but that amount could increase to about $1,111,000. That subsidy to my opponent comes from taxpayers in Oklahoma and throughout the Nation.

My eligible opponent then gets money to answer independent expenditures that are made against him or for me. Such a provision may have serious constitutional problems, but it certainly has serious fiscal implications because this subsidy is unlimited. RPC assumed independent expenditures of about 5 percent of the general election spending limit and estimated a subsidy to my opponent of $55,600. That subsidy comes from the Federal Government.

Then, my eligible opponent gets to send 2,370,000 pieces of mail at a reduced rate. The tab for this mail subsidy will be picked up by taxpayers. In Oklahoma, the bill amounts to about $159,000.

In short, my opponent gets about $1.2 million from the taxpayers to run against me.

That is not enough for the proponents of S. 3, of course. My opponent also gets a subsidy provided directly by the broadcast industry: Eligible candidates must be given broadcast rates that are one-half of the rates charged to noneligible candidates like me.

The RPC estimate figured that an eligible candidate would receive a total broadcast subsidy equal to one-half of the general election spending limit. In Oklahoma, a 50 percent broadcast subsidy would amount to $556,000. I think that estimate is low: To begin with, my eligible opponent gets a broadcast voucher equal to 20 percent of the spending limit which can be spent only on purchases of broadcast time. Since he gets half-price rates, the broadcasters will match that 20 percent. The RPC then assumed that my eligible opponent would spend just another 30 percent of the spending limit on purchases of broadcast time—which of course would be matched, dollar-for-dollar at the half-price rates, by the broadcast industry. I expect RPC's assumptions will prove low. Anytime a candidate for public office can buy a highly valuable commodity like broadcast time for one-half the going rate, he or she is going to spend plenty of money on the subsidized commodity.

In total, therefore, my subsidized, eligible opponent will receive about $1.2 million or more from taxpayers and about $556,000 or more from broadcasters.

Mr. President, taxpayer subsidies for congressional campaigns is an expensive idea. Additionally, it is a bad idea. I am going to vote against the conference report, and I will be pleased to help the President put a stop to this attempt to give taxpayers' moneys to

politicians for their political campaigns.

EXHIBIT 1

APPENDIX A—COMPARING THE RPC AND CBO COST ESTIMATES FOR THE CONFERENCE REPORT ON S. 3

TABLE 1.—1994 SENATE RACES (34 STATES)—ONE MAJOR PARTY CANDIDATE IN EACH STATE ELIGIBLE, TOTAL OF 12 MINOR PARTY CANDIDATES ELIGIBLE

[In millions of dollars]

	RPC estimate—			CBO estimate (does not count minor parties)
	Major parties	Total	Minor parties	
Voter communication vouchers	11.8	.....	4.6	12.0
Excess expenditure amount	39.0	.....	9.1	50.0
Independent expenditure amount	2.9	.....	2.3	[1]
Special mailing rates	9.3	.....	9.9	6.0
Administrative cost	2.0	.....	.....	2.0
Total	65.0	.....	25.9	.....
Combined total, Government	.....	90.9	.....	70.0
Private sector subsidy	29.3	.....	9.1	[2]
Combined total, private	.....	38.4	.....	.....
Combined total, all	.....	129.3	.....	.....

[1] No estimate.
[2] No estimate Government.

TABLE 2.—1994 SENATE RACES (34 STATES)—TWO MAJOR PARTY CANDIDATES IN EACH STATE ELIGIBLE, TOTAL OF 12 MINOR PARTY CANDIDATES ELIGIBLE

[In millions of dollars]

	RPC estimate—			CBO estimate (does not count minor parties)
	Major parties	Total	Minor parties	
Voter communication vouchers	23.6	.....	4.6	24.0
Excess expenditure amount	.....	.....	.....	.....
Independent expenditure amount	5.8	.....	2.3	[1]
Special mailing rates	18.6	.....	9.9	12.0
Administrative cost	2.0	.....	.....	2.0
Total	50.0	.....	16.8	.....
Combined total, Government	.....	66.8	.....	38.0
Private sector subsidy	58.6	.....	9.1	[2]
Combined total, private	.....	67.7	.....	.....
Combined total, all	.....	134.5	.....	.....

[1] No estimate.
[2] No estimate Government.

NOTES FOR SENATE ESTIMATES (TABLES 1 & 2)

The Republican Policy Committee, unlike the Congressional Budget Office, includes costs imposed directly on the private sector. S. 3 requires broadcasters to sell time to eligible Senate candidates at 50 percent of an already-reduced rate. When a bill requires an industry to sell its product to Senate candidates at one-half the going rate, we refuse to count that cost as a nullity merely because it does not fall on a government account.

RPC, unlike CBO, includes an estimated cost of minor party participation in Senate races. We acknowledge that these estimates are based on assumptions that are little more than educated guesses. However, S. 3 provides strong incentives for participation by candidates of minor parties and costs will indeed be incurred. Our estimates will prove to be a great deal closer to the mark than nothingness—which is the typical way these minor party costs are handled. For the 1994 Senate races, we assumed there will be three minor party candidates in California, two minor party candidates in New York, and one minor party candidate in each of Florida, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Texas.

RPC, unlike CBO, makes an estimate for the independent expenditure amount. We assume the independent expenditure amount will be five percent of the general election expenditure limit. In the past, independent expenditures equaled about two percent of all spending in Senate campaigns. "FEC Final Report on 1988 Congressional Campaigns Shows $459 Million Spent," F.E.C. press release, Oct. 31, 1989, pp. 5, 13 (1987–88 election cycle). Five percent seems to be a conservative assumption in a campaign environment in which direct spending will be capped.

The RPC concluded on the basis of information provided by the U.S. Postal Service that the special mail rate provided by S. 3 would be worth 6.7 cents per piece. U.S.P.S., "Memorandum of Postal Provisions of Campaign Reform Bill" (Mar. 30, 1992). CBO used a figure of 4.3 cents per piece.

The RPC estimates and the CBO estimates depend first on participation rates. Those rates may be speculated on, see, e.g., the helpful CBO Cost Estimate on H.R. 3750, H. Rpt. no. 102-340, pt. 1, 102d Cong., 1st Sess, 62–66 (1991), but they cannot be known ahead of time. Increased participation rates do not necessarily increase costs: Because of the excess expenditure amount which goes to eligible candidates who run against noneligible candidates, a race may actually impose greater costs on the Federal treasury if one candidate does not participate in the funding scheme.

The rough cost of subsidizing Senate races over a six-year election cycle can be obtained by multiplying the 1994 costs by three. The actual cost of subsidies for the Senate will vary from election to election because of elections featuring large States are more expensive.

Benefits under S. 3 are indexed and will increase with the rate of inflation.

TABLE 3.—1994 HOUSE OF REPRESENTATIVES RACES

[In millions of dollars]

	RPC estimate—		CBO estimate	Unitary estimate
	Only one major party candidate eligible	Two major party candidates eligible		
Matching funds	88.0	176.0	45.0	90.0
Independent expenditure amount	13.2	26.4	[1]	[1]
Special mailing rates	12.5	25.0	8.0	.....
Administrative cost	2.0	.....	2.0	.....
Totals	115.7	229.4	55.0	100.0

[1] Not estimated.

NOTES FOR HOUSE OF REPRESENTATIVES ESTIMATES (TABLE 3)

The Republican Policy Committee did not calculate three costs that will be attributable to House races and paid from the Federal treasury: first, the cost of subsidies to minor party candidates; second, the cost of the "triple match" subsidy which is given to an eligible candidate when his nonparticipating opponent contributes large sums of money to his own campaign; and third, the cost of the $50,000 subsidy for House candidates in closely contested primary elections.

Benefits under S. 3 are indexed and will increase with the rate of inflation.

Costs in the House of Representatives were calculated on the basis of 440 elections, not 435. There are 435 Representatives in the House, four delegates, and one resident commissioner. All are eligible for subsidies.

The differences between the RPC estimates for the House and the CBO estimates are largely the result of different assumptions about participation rates. RPC made calculations for one eligible candidate in every race and for two eligible candidates in every race. CBO doubts that participation rates will be that high: "Although the maximum cost of the matching payments [in House races] would be about $176 million every two years, a more likely range for this benefit would be $45 million to $90 million, assuming about half of the candidates become eligible for benefits. In addition, the same eligible candidate would receive a postal subsidy. The cost of these benefits would ultimately depend on the number of candidates who participate, which is difficult to estimate with precision." CBO Cost Estimate on H.R. 3750, H. Rpt. no. 102-340, pt. 1, 102d Cong., 1st Sess. 62, 63 (1991).

EXHIBIT 2

APPENDIX B—BENEFITS TO ELIGIBLE HOUSE CANDIDATES

In general, candidates for election to the House of Representatives become eligible for the benefits of S. 3 if they agree to limit their spending to $600,000 and raise at least $60,000 in contributions from individuals, with not more than $250 to be taken into account for each individual contribution. Sec. 121-"601(a)" & 121-"604(c)". They must also qualify for the ballot, have an opponent, and agree to comply with disclosure rules, contribution limits, spending limits, and so on. This general rule is subject to numerous variations and waivers, however. In addition, legal and accounting fees and taxes are not subject to expenditure limits, sec. 121-"601(e)", and up to five percent of fundraising costs (which may include salaries of the campaign staff and overhead expenditures for the campaign office) are not subject to the limits, sec. 121-"601(f)".

Under the provisions of S. 3, eligible House candidates are entitled to—

Up to $200,000 in matching funds, sec. 121-"601(a)" (the $200,000 ceiling is waived if a noneligible opponent spends more than 80 percent of the spending limit, sec. 121-"601(d)");

A subsidy to match independent expenditures above $10,000, sec. 121-"604(d)";

A special mail rate for the number of pieces of mail that is equal to the voting age population (VAP) in the district, sec. 132;

A "triple match" subsidy to counter large contributions made personally by a noneligible candidate, sec. 121-"603(e)(3)"; and

A $50,000 subsidy if there is a closely contested primary election, sec. 121-"604(f)".

EXHIBIT 3

APPENDIX C.—ESTIMATED SUBSIDIES TO ELIGIBLE MAJOR PARTY CANDIDATES RUNNING AGAINST A NONELIGIBLE MAJOR PARTY CANDIDATE BY STATE

[Current dollars]

	Population of voting age (1990) (VAP)	General election expenditure limit (GEEL)	Voter communication vouchers (20 percent GEEL)	Estimate excess expenditure amount (67 percent GEEL)	Estimate independent expenditures (5 percent GEEL)	Special mailing rates (6.7 cents times VAP)	Estimate total Government subsidies	Private sector subsidy (50 percent GEEL)	Total of all subsidies
Alabama	3,010,000	1,303,000	260,600	868,667	65,150	201,670	1,396,087	651,500	2,047,587
Alaska	362,000	950,000	190,000	633,333	47,500	24,254	895,087	475,000	1,370,087
Arizona	2,575,000	1,172,500	234,500	781,667	58,625	172,525	1,247,317	586,250	1,833,567
Arkansas	1,756,000	950,000	190,000	633,333	47,500	117,652	988,485	475,000	1,463,485
California	21,350,000	5,500,000	1,100,000	3,666,667	275,000	1,430,450	6,472,117	2,750,000	9,222,117
Colorado	2,453,000	1,135,900	227,180	757,267	56,795	164,351	1,205,593	567,950	1,773,543
Connecticut	2,479,000	1,143,700	228,740	762,467	57,185	166,093	1,214,485	571,850	1,786,335
Delaware	504,000	950,000	190,000	633,333	47,500	33,768	904,601	475,000	1,379,601
Florida	9,799,000	3,049,750	609,950	2,033,167	152,488	656,533	3,452,137	1,524,875	4,977,012
Georgia	4,639,000	1,759,750	351,950	1,173,167	87,988	310,813	1,923,917	879,875	2,803,792
Hawaii	825,000	950,000	190,000	633,333	47,500	55,275	926,108	475,000	1,401,108
Idaho	710,000	950,000	190,000	633,333	47,500	47,570	918,403	475,000	1,393,403
Illinois	8,678,000	2,769,500	553,900	1,846,333	138,475	581,426	3,120,134	1,384,750	4,504,884
Indiana	4,133,000	1,633,250	326,650	1,088,833	81,663	276,911	1,774,057	816,625	2,590,682
Iowa	2,132,000	1,039,600	207,920	693,067	51,980	142,844	1,095,811	519,800	1,615,611
Kansas	1,854,000	956,200	191,240	637,467	47,810	124,218	1,000,735	478,100	1,478,835
Kentucky	2,760,000	1,228,000	245,600	818,667	61,400	184,920	1,310,587	614,000	1,924,587
Louisiana	3,109,000	1,332,700	266,540	888,467	66,635	208,303	1,429,945	666,350	2,096,295
Maine	917,000	950,000	190,000	633,333	47,500	61,439	932,272	475,000	1,407,272
Maryland	3,533,000	1,459,900	291,980	973,267	72,995	236,711	1,574,953	729,950	2,304,903
Massachusetts	4,576,000	1,744,000	348,800	1,162,667	87,200	306,592	1,905,259	872,000	2,777,259
Michigan	6,829,000	2,307,250	461,450	1,538,167	115,363	457,543	2,572,522	1,153,625	3,726,147
Minnesota	3,224,000	1,367,200	273,440	911,467	68,360	216,008	1,469,275	683,600	2,152,875
Mississippi	1,852,000	955,600	191,120	637,067	47,780	124,084	1,000,051	477,800	1,477,851
Missouri	3,854,000	1,556,200	311,240	1,037,467	77,810	258,218	1,684,735	778,100	2,462,835
Montana	588,000	950,000	190,000	633,000	47,500	39,396	910,000	475,000	1,385,229
Nebraska	1,187,000	950,000	190,000	633,333	47,500	79,529	950,362	475,000	1,425,362
Nevada	833,000	950,000	190,000	633,333	47,500	55,811	926,644	475,000	1,401,644
New Hampshire	828,000	950,000	190,000	633,333	47,500	55,476	926,309	475,000	1,401,309
New Jersey	5,903,000	4,931,100	986,420	3,288,067	246,605	395,501	4,916,593	2,466,050	7,382,643
New Mexico	1,074,000	950,000	190,000	633,333	47,500	71,958	942,791	475,000	1,417,791
New York	13,600,000	4,000,000	800,000	2,666,667	200,000	911,200	4,577,867	2,000,000	6,577,867
North Carolina	4,929,000	1,832,250	366,450	1,221,500	91,613	330,243	2,•9,806	916,125	2,925,931
North Dakota	481,000	950,000	190,000	633,333	47,500	32,227	903,060	475,000	1,378,060
Ohio	8,090,000	2,622,500	524,500	1,748,333	131,125	542,030	2,945,988	1,311,250	4,257,238
Oklahoma	2,371,000	1,111,300	222,260	740,867	55,565	158,857	1,177,549	555,650	1,733,199
Oregon	2,123,000	1,036,900	207,380	691,267	51,845	142,241	1,092,733	518,450	1,611,183
Pennslyvania	9,199,000	2,899,750	579,950	1,933,167	144,988	616,333	3,274,437	1,449,875	4,724,312
Rhode Island	767,000	950,000	190,000	633,333	47,500	51,389	922,222	475,000	1,397,222
South Carolina	2,558,000	1,167,400	233,480	778,267	58,370	171,386	1,241,503	583,700	1,825,203
South Dakota	519,000	950,000	190,000	633,333	47,500	34,773	905,606	475,000	1,380,606
Tennessee	3,685,000	1,505,500	301,100	1,003,667	75,275	246,895	1,626,937	752,750	2,379,687
Texas	12,038,000	3,609,500	721,900	2,406,333	180,475	806,546	4,115,254	1,804,750	5,920,004
Utah	1,076,000	950,000	190,000	633,333	47,500	72,092	942,925	475,000	1,417,925
Vermont	425,000	950,000	190,000	633,333	47,500	28,475	899,308	475,000	1,374,308
Virginia	4,615,000	1,753,750	350,750	1,169,167	87,688	309,205	1,916,809	876,875	2,793,684
Washington	3,545,000	1,463,500	292,700	975,667	73,175	237,515	1,579,057	731,750	2,310,807
West Virginia	1,394,000	950,000	190,000	633,333	47,500	93,398	964,231	475,000	1,439,231
Wisconsin	3,612,000	1,483,600	296,720	989,067	74,180	242,004	1,601,971	741,800	2,343,771
Wyoming	339,000	950,000	190,000	633,333	47,500	22,713	893,546	475,000	1,368,546

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KERRY. Mr. President, today, at a time when the American public is so angry about the Congress, the U.S. Senate has a choice to make—a choice for reform, or against it.

Everyone knows that something is wrong in Washington—that too often, the Congress is paralyzed and cannot do anything that matters to people.

It is obvious that a major factor in that paralysis is the way we raise our campaign funds. Every year millions of dollars flow to elected officials. A lot of it is big money, a thousand dollars at a time, from the wealthy, in a never-ending stream from people who want to make sure that when they talk, Congress listens.

It is obvious that a major factor in the anger directed toward Congress is the sense that once someone is first elected, opponents thereafter do not have a chance to raise the kind of money an incumbent can raise, with his ability to reward supporters for their contributions.

Ask any number of people what is wrong with the current system of congressional and Senate elections and most of them will tell you it is the incumbent's advantage in attracting and raising significant amounts of money from large contributors. In nearly all of the races, the incumbent has an enormous fund-raising advantage. Only a small fraction of the races are even competitive.

Our bill—the bill before us today—would change that, attacking the big-money and the incumbent advantage at the same time.

Under the spending limits of this bill, the nominees, incumbent and challenger, would have equal access to public funds. The nominees, incumbent and challenger, if they agreed to abide by them and to accept public funds and lower television and prices, would be barred from exceeding overall spending limits. The result would be a far more equal, far more competitive electoral system than we have today.

The bill, in effect, guarantees that both parties will have adequately funded nominees in almost every race. That means two candidates, with two messages, and a real choice for voters. That is democracy. That is real reform.

A challenger who knows he or she will be able to qualify for matching funds and who knows that the incumbent's expenditures will be limited to a certain amount is far more likely to attempt a race, and far more likely to succeed, than a challenger facing the rules of the game as they are played today.

Mr. President, it is very important to understand that it is the current system, not our alternative, that is most protective of incumbents.

Now some Republicans argue that public funds should not be used to finance election campaigns in our democracy. President Bush has made that very claim. This argument is nonsense; it is also hypocrisy. It is an argument, unfortunately, that has been made once again this week by President Bush.

The President would have us believe that it is wrong for us to use tax money to finance an election campaign—after he himself has done so in four successful elections, becoming the country's first $200 million campaign public finance man—the total in public funds President Bush has taken for his Presidential races.

I suppose if he really thought it is wrong, George Bush would refuse to take the money. But candidate Bush knows that President Bush refuses to acknowledge—this public funding, paid for through voluntary checkoffs on the tax returns of millions of Americans, has freed him and other Presidential candidates from the demeaning and dangerous occupation of having to so-

licit all of that money from private interests, mostly the wealthy.

Back in 1972, when Mr. Bush headed the Republican National Committee, the Nation saw firsthand what out-of-control solicitations of private contributions could do. The Committee to Re-elect the President raised corruption and influence-peddling to new heights. As a result, we voted to reform Presidential campaign financing in the same way we are now proposing to reform Senate campaigns. It has worked at the Presidential level; it can work for Congress.

What is most important to remember, and what the comments of the junior Senator from Kentucky indicate he would like us to forget, is that public financing is not politician-financing. Politicians will find the money for their races somewhere; that is precisely the problem. What the public is paying for through public financing is a cleaner, more accountable, less corruptible political system. It is paying for a better democracy. Anyone surveying the political scene today who does not believe that this should be one of our highest priorities simply does not understand what is happening in America, or does not understand how important it is to restore deserved trust and faith in our Government.

Under this conference report bill, we will cut PAC contributions in half, end sewer money contributions, and finally see an end to the never-ending spiral of the chase for big money that has so damaged public perceptions of this institution.

This bill is not perfect. It does not move as far from the current system as I would like. I would have liked to see PAC money removed from the system entirely, as in the bill I filed last year. I would have liked to see a system of full public funding to remove all of the big-time money from the system. But this bill still gets rid of the worst evils of the current system—unrestrained, the-sky-is-the-limit campaign fundraising and spending, and the influence of big-time big-money.

It is time to establish a system of spending limits that substantially will curb the degree to which candidates must run to the rich like pigs to a trough.

Twenty-five years ago, Robert Kennedy warned that "we are in danger of creating a situation in which our candidates must be chosen from among the rich * * * or those willing to be beholden to others." I fear that we are closer to that point than ever before.

We no longer can afford to tinker around the edges of the problem, engage in a protracted debate that resolves few of the real issues, or protect our own parochial reelection campaign interests. The time has come to pass a law that limits campaign spending and replaces special interest campaign dollars with untainted public funds.

The time has come to create a better, more accountable democracy. The time has come for action to clean up our political system. The time has come for President Bush to put down his veto pen and lead this country forward, to apply the same standard to Congress he long has applied to himself as a recipient of $200 million in public financing, and to seize the opportunity to approve and sign comprehensive campaign finance reform this year.

Mr. President, shortly before I began my remarks, the junior Senator from Oklahoma [Mr. NICKLES] addressed the Senate. I want to respond briefly to his comments. This bill does not accord special treatment to New Jersey and other States for the sake of giving them, or persons running for office in those States, some advantage. The provision to which Senator NICKLES refers is an effort to treat New Jersey equitably. The fact is that the State of New Jersey has the highest priced media markets in the country. To advertise by television or radio in New Jersey you do not have to buy just the New York City media market, one of the Nation's most expensive, you also have to buy the Philadelphia market, which also is very expensive. Failure to adjust this legislation to take account of that reality would be egregiously inequitable.

Looking more generally at the arguments made against this bill, what is really astounding is the duplicity of the arguments. The senior Senator from Oklahoma [Mr. BOREN], who has labored so tirelessly to enact this bill, correctly has said that the fundamental objection of the bill's opponents is an objection to setting spending limits. What is especially interesting is to hear colleagues like the junior Senator from Oklahoma, Mr. NICKLES, talk about taxpayer funding of campaigns and how evil it is.

Not one of the Members of the Republican Party has criticized President Bush for spending $200 million of taxpayers' money to get elected Vice President and now President of the United States. He has spent more taxpayer money on campaigns in the course of his career than any other person in the history of this Nation. I have not heard even one Member of the Republican Party on the floor criticizing him for that or suggesting that the Presidential system of spending limits and public financing of campaigns does not work.

In fact, our esteemed former colleague, Senator Paul Laxalt of Nevada, made it very clear when he left the U.S. Senate that there was no greater problem facing this country. Senator Laxalt, who was a prominent Republican leader and national chairman of the Reagan Presidential campaigns in 1976, 1980, and 1984, said, and I quote:

> There's far too much emphasis on money and far too much time spent collecting it. It's the most corrupting thing I see on the congressional scene. * * * The problem is so bad that we ought to start thinking about Federal financing of House and Senate campaigns. It was anathema to me. * * * but in my experience with Presidential campaigns it worked—

He was, of course, referring to public financing—

and it was a breath of fresh air.

I heard my friend from Oklahoma, Mr. NICKLES, talk about this legislation providing "money for politicians." What a terrible thing it is to be a politician in America today. And, boy, you can really cast a curse on a piece of legislation by saying it is to benefit politicians.

Mr. President, that is a specious argument. This legislation is not to benefit politicians. It is to benefit the people of this country—by liberating the politicians of this Nation from the corrupting system of fundraising that exists today.

If my colleague thinks that our existing system of political fundraising in America works to the benefit of the citizens and taxpayers, all you have to do to obliterate that fallacy is to examine the savings and loan crisis. It will have cost America far more money than we would ever spend in scores of years of public financing of elections through a structure such as the one contained in this legislation. Billions of dollars are wasted on various tax havens, various giveaways, various useless programs year after year because special interests have the ear of the Congress. The American people are fed up with it.

They want their democracy back. They want their country back. They want their Congress back. And the way to do it is to pass this bill to reform the process, set limits on campaign spending, and equalize the capacity of everybody to run.

It was not long ago that we spent large sums of money to subsidize Federal elections. Nobody complained. We had a tax credit, a maximum of $50 for single returns, $100 for joint returns, for political contributions. For years the U.S. Congress, including most of my Republican colleagues, supported this tax credit which cost the Federal Treasury $528 million a year. I heard no complaints.

When we repealed the credit in 1986, it was not because of excited complaints from Republicans about supporting election campaigns with Federal dollars; it was because there was an imperative to repeal tax expenditures to cover the costs of tax simplification and rate reduction. Repeal of the campaign contribution tax credit had nothing to do with philosophical questions about tax dollar support of campaigns.

If we want to go to the root of why campaigning today is so expensive, it is that we have become collectors of

money for the broadcast media. That is essentially all we do. We go out and indebt ourselves to various people and interests in the Nation and we turn the money over to the broadcast media.

All over-the-air broadcasters are licensed by the Government of the United States. Individuals and corporations are granted permission to use the airwaves that are owned collectively by the American people—in order that the licensees can go out and make a profit.

Don't mistake my comments. I am all for fairly won profit. Free enterprise and the profit incentive have made significant contributions to our standard of living. But there is something truly, bizzarely absurd about establishing a system of broadcast spectrum licensure, and then regularly, repeatedly, as candidates for Federal elective office, to go into debt to special interests in order to collect millions of dollars just to turn over to those to whom the Government has granted those lucrative broadcast licenses. This perverted process cheapens and diminishes our democracy. We ought to stop it.

The legislation we are considering today will enhance our democracy by minimizing the need of politicians to raise the money to be turned over to the broadcast media, and the process of becoming indebted for so doing.

There is not one of us serving in this institution who cannot find innumerable parts of our legal code that serve one special interest or another. Many of us—most of us—understand very well exactly what the process of fundraising is and how it works, and what gets attended to in the Senate as a consequence of it.

The American people want reform. It requires no genius to trace the origins of the efforts to "throw the rascals out" to term limitation movement and the gridlock in Washington. And, in my judgment, the gridlock often is a logical consequence of the way we finance our election campaigns and our method of fundraising.

When you get two powerful interests lined up on opposite sides of an issue, the easiest thing to do for those who have to raise money from those interests is to do nothing. Do not make a decision between the two. That is a recipe for gridlock, and we have exactly that.

I believe fervently—and I believe many others who serve here also believe—that the job of a United States Senator is not to represent one State but yet to spend time traveling to many other States asking for money weekend after weekend during the course of a 6-year term. We and our constituents would be far better off if that time were spent listening to and talking to those constituents and devoting ourselves to our legislative responsibilities.

Mr. President, the choice we have today is a choice for reform, urgently needed reform. I hope nobody will be hoodwinked by the opposition to spending limits and public financing of campaigns. We have heard from opponents of this legislation in the last several days. This bill should be overwhelmingly passed, and enthusiastically signed by the President.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. DANFORTH. Mr. President, we are missing the point if we think that the financing of political campaigns is the problem with America's political system today. And we are missing the point if we believe that a campaign finance bill is going to fix American politics.

The problem is not the financing of political campaigns. The problem is the nature of political campaigns. What good does it do to change the financing mechanism if the candidates are going to talk in 30-second sound bites about trivial matters?

What is not being debated today in any forum, whether it is in the commercials or in the speeches, is the issue of the deficit in the Federal budget, what candidates intend to do about it, and the reason why candidates are evading the principal issue is that it is just too tough to deal with.

It is too tough because it tends to offend the American people to talk about practical matters to reduce the size of the Federal deficit.

The issue is not special interest groups located in Washington who are paying $2,000 for a $5 million election. That is not going to corrupt anybody. The issue is that all of us, all Americans, are being treated as though they are no more than members of interest groups.

The case in point, I suggest, occurred just 3 weeks ago. Three weeks ago, we will remember, there was a modest proposal on the floor of the Senate to deal with the problem of the Federal deficit. It was offered by Senator DOMENICI. The proposal by Senator DOMENICI was, very simply, to get some handle on the entitlement programs to provide some sort of discipline for dealing with the problems of the entitlements.

The immediate reaction by the majority leader—and it was a very astute reaction—was to announce he was prepared to offer a series of amendments, beginning with one amendment to exempt the disabled veterans and he was going to go from there to the elderly and from one group to another.

I suggest the corruption in American politics is not that there are interest groups and lobbyists here in Washington but that we who are in politics are dealing with all of the American people as though they are no more than members of interest groups. That is what is preventing us from dealing with the problem of the Federal deficit.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, it has been my privilege to serve in the Senate for 8 years, and in the 8 years I have been in the Senate, there have been few bills that have come to the floor of the Senate that have had no redeeming value. This is one of them.

First of all, I think it is important to know that we do not have just one campaign reform bill here. We have two bills. The Democrats in the Senate wrote a bill that was aimed at tilting the process toward themselves. The Democrats in the House wrote a bill that was aimed at tilting the process toward House Democrats. When they got to conference, Democrats could not agree, and so, as a result, for the first time in my 8 years in the Senate, we have a Federal campaign bill that applies differently to Members of Congress, based on which side of the Capitol they serve on.

There is a difference in the way we treat PAC's. In fact, in a great moment of zeal here, we voted to eliminate PAC's. But did the final bill eliminate PAC's? No. PAC's are back. But you have one set of PAC rules for the Senate and another set of rules for the House.

In regard to limits on expenditures, there is no coordination whatsoever between the two Houses. In terms of the use of taxpayer money to fund elections—two totally different systems.

This is, at its very root, a partisan measure that was aimed to benefit Democrats, depending on their circumstances. It is not a unified election law, and deserves our laughter but not our vote.

Second, in an era where everybody in Congress and America is talking about perks, this bill represents the greatest congressional perk yet to come along. It is ridiculous when we are debating putting pay toilets into the Senate to be opening up a massive new perk that will let Members of Congress who have just shut down the House bank open up a campaign bank to reach into the taxpayers' pocket to take the taxpayers' money. I cannot improve on Thomas Jefferson on this subject.

On this subject Thomas Jefferson said:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.

I am absolutely opposed to using the police power of government to take taxpayer money to spend it on trying to elect people that the taxpayer does not support.

I think those who own television stations in America will be shocked to find out that our colleague from Massachusetts believes that the public owns those television stations. I see no logic to giving politicians cheaper rates to advertise than those given to auto dealers or anyone else. I see no logic to letting politicians mail at the cheapest rates. That represents a perk that is unjustified and it represents an exploitation of the American taxpayer. And I am not for it. Those who are voting for this bill are voting for the largest congressional perk in the history of our country.

Let me talk about fundraising limits. It is easy for me to understand why some people are for limits on fundraising.

As best I can figure, the Democratic Senatorial Campaign Committee thus far this year has raised $2 million from 4,000 donors with an average contribution of about $500.

The Republican Senatorial Committee, which I head, has raised $17 million from 314,000 donors with an average contribution of $54.05.

Our colleagues on the other side of the aisle want taxpayer funding because the American people will not voluntarily give to their campaigns. I reject that notion, and the American people will as well.

At the very time we want political parties involved in politics, this bill limits the ability of political parties to be involved but it does nothing effective to keep special interest groups from being involved. I think that is a major flaw.

Finally, this is a partisan measure that deserves to be defeated. I urge my colleagues to vote against this new congressional perk. It is outrageous, given the state of affairs in America, given the budget deficit, given the abuses that have occurred in Congress for us to be voting today on opening up a campaign bank to fund Members of Congress, to fund politicians, at the taxpayers' expense at the very moment we are trying to do something about the abuses of the House bank. I think our choice is clear here. I urge my colleagues to vote no on this bill.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. BOREN. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. DODD. Mr. President, first let me commend the Senator from Oklahoma and the others who have worked so tirelessly over a number of years, to bring us so close to comprehensive campaign finance reform.

Mr. President, in the 1990 election cycle, $445 million was spent on congressional campaigns. The system is broke. And the truth is that if we do not fix this problem, it is going to absolutely destroy our system of government.

Americans are fed up with the present campaign system. Recent elections have been marred by low voter turnout. Throughout the Nation, there is continuing dissatisfaction with Congress, the President, and politics and politicians in general. Clearly the citizens of this country are losing confidence in our institutions of government.

And no wonder. All of us know the reality of running for reelection. I know what it is like. Day after day, event after event, Members of Congress scrape around for a dollar here and a dollar there, when that time could be better spent working on the critical problems that face this Nation.

And the President is certainly not clean in all this, though he might like us to believe otherwise. Just the other night, he raised $9 million at $1,500 a clip at an exclusive "President's dinner."

How many hours were spent chasing those dollars? How many arms were twisted in order to get every special interest group imaginable to belly up to that feast at the trough?

This is why Americans are angry. Most cannot afford to spend 3 weeks' salary to attend a Presidential supper.

Mr. President, many of us have been trying for years to rehabilitate our campaign finance system. Last year, the Congress passed the ban on honoraria which I first introduced in 1988. As a result Senators cannot accept speaking fees from special interests.

And today's debate gives me a sense of deja vu. In 1985, I introduced the Senate Campaign Finance Reform Act but that bill was not enacted into law. Many of us also supported the campaign reform legislation that was introduced during the 100th Congress—legislation that was filibustered by our Republican colleagues. And again in the 101st Congress we fought unsuccessfully for campaign finance reform.

But today we have another chance. And so I hope we will do the right thing by approving the conference report before us.

Because this legislation deals with all methods of campaign finance, it will go a long way toward addressing the public's concerns and improving our election system. Anything less—any piecemeal approach—will only lead to more problems.

The provisions of the act relating to spending limits are critically important. The spending limits will help level the playing field and control the excessive costs of campaigns. Under present law, a congressional candidate must raise as much money as possible because there is no satisfactory way to ensure that an opponent will abide by a spending limit.

The act will provide incentives for candidates to cap spending. With a cap in place, challengers and incumbents will have an equal opportunity to reach the voters. Furthermore, congressional incumbents can minimize the amount of time they devote to fundraising—time which would be better spent dealing with the major issues which confront our Nation.

Furthermore, the act deals with the problems caused by what is referred to as soft money—money raised and distributed by national and State party committees. It would prohibit the use of soft money for activities which may affect a Federal election.

Perhaps most importantly, this legislation will limit involvement by political action committees. It limits both the amount that PAC's can contribute to campaigns and the aggregate amount that candidates can accept from PAC's.

In fact, Mr. President, had Senator BOREN's legislation been adopted 3 years ago and been in effect in the 1990 legislative cycle, we would have reduced the involvement of PAC's by 53 percent in the last election cycle.

Mr. President, is this a perfect bill? Absolutely not. Is it a bill based on compromise between the House and the Senate. Yes.

But this bill is a concrete step we can take to clean up the election process and help restore some of the confidence in our political institutions.

Americans want a change in this country. This bill represents real change. One could sit here and quibble and nitpick and provide one little argument after another against it. But if we do not pass this legislation, we are going to continue to lose the people's confidence.

So, Mr. President, I have two hopes today. First, I hope that we will pass this legislation.

Second, I hope that the President will abandon his veto threat and work with us on this legislation, which can do so much for the American public.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, before I yield 2 minutes to the distinguished assistant Republican leader, with reference to the extraordinarily successful President's dinner 2 nights ago, I ask unanimous consent there be printed in the RECORD an article in the Washington Post of April 9 about the Democrats' similar dinner earlier this month which unfortunately was not nearly as successful.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 9, 1992]

DEMOCRATS' BALMY MOOD: THE UPBEAT CONGRESSIONAL FUND-RAISER

(By Roxanne Roberts)

And the Democratic candidate is: Alfred E. Neumann!

Just kidding. It looks like Bill Clinton has the party nomination locked up and there was positively a "What, me worry?" atmosphere at last night's Democratic Congressional Dinner at the Washington Hilton.

Maybe it was the balmy spring day, maybe it was Tuesday's primary results, maybe it was the open bar—but 1,800 party loyalists who brought in $2.5 million for Democratic Senate and House races at the annual black-tie fund-raiser were in an awfully good mood.

"Well, we raised a lot of money—more than people expected—and Clinton won four primaries yesterday, and Bush is at, what . . . 40 percent, 38 percent popularity?" said West Virginia Sen. Jay Rockefeller. "That's the making of a nice dinner."

"I think Democrats are always upbeat," said House Majority Leader Dick Gephardt with a smile. "It's a beautiful spring day, the blossoms are out. Why shouldn't you be upbeat?"

Well, there's the recession and voter anger and the House banking scandal and that nasty Democratic habit of fratricide—for starters.

"We've had our share of problems in the Congress in the past months, but I've never believed you get anywhere by being negative and downcast," he said. "You only get somewhere by fighting back and being strong and being positive."

And boy, were they positive. None of the Democratic candidates attended the dinner. Bill Clinton was resting his voice, non-candidate Paul Tsongas was considering reentry and Jerry Brown was having an out-of-body experience somewhere. Probably just as well. Everyone else, including the top Democratic leadership, was absolutely oozing goodwill and confidence.

"I think it's a mixture of belief that we have been good for the country so many times and that all the wheels turn," said Lady Bird Johnson. "It's just a natural feeling."

The former First Lady, making a rare Washington appearance, accompanied her daughter, Lynda Robb, and son-in-law Sen. Chuck Robb, the Democratic Senatorial Campaign Committee chairman.

"I think Democrats care about people," said Lynda Robb. "That's a very optimistic feeling."

Whether people care about the Democrats is another question. Tuesday's exit polls said 65 percent of Democrats and 50 percent of Republicans who voted said they had doubts about their candidate.

"There's the traditional desire for something other than what you have," said a calm Sen. Robb. "It's a natural human instinct that is universal. You can see it's happening on both sides of the equation. But the nominees are clear and everyone will soon rally around their respective flags and we'll have an election in November."

With Clinton, presumably, as the nominee. There was no talk of any other candidate; no late entry into the race. What lurks in the heart of Gephardt or Sen. Lloyd Bentsen remains a mystery. Bentsen kept quiet; earlier in the day, Gephardt stopped short of endorsing Clinton but dismissed talk of a brokered convention.

"The last brokered convention was in 1924," said former Democratic National Committee chairman Chuck Manatt. "One hundred four ballots and we lost rather handily to Calvin Coolidge."

Besides, the dinner was to raise money for congressional races—assuming the Democrats can get their guys to stay in office. Colorado Sen. Tim Wirth announced Tuesday he was resigning; Robb spent yesterday on the phone with the rest of the gang. "I can't afford to lose any more senators in my class of '92."

Rep. Vic Fazio, chairman of the Democratic Congressional Campaign Committee, said the House banking scandal hurts—but not just his party. "I think it's going to hurt Congress and it's going to hurt incumbents. But we've seen some polls that show that the wrath—and there is some—is fairly uniformly applied."

So what's a few setbacks? San Francisco real estate developer Walter Shorenstein, a megabucks Democratic fund-raiser for more than 20 years, is still pouring money into the Democrats. "My very nature is to be optimistic," he said. "I wouldn't be in the kind of business I'm in unless I was optimistic. When you look ahead, you have a tremendous feeling that so much is needed and the best way it can be done is through the Democratic Party."

No wonder DNC Chairman Ron Brown was in such a good mood. Okay, he's always in a good mood, but he was especially cheery last night.

"I have said for a long time that we enhance our chances of beating George Bush in November if we have an early nominee so we can focus all of our time, attention, resources and energy on defeating Bush rather than beating up on each other," he said, smiling broadly. "The closer we get to that, the happier Democrats are."

"People are saying, 'This could be the year,'" agreed Colorado Rep. Pat Schroeder. "It could be the year. Absolutely. We're thinking positive."

Or as Fazio put it, "After 12 years of the same song out of the White House, we think the American public is looking for a new tune."

"One of the great songs is 'Happy Days Are Here Again'" whistled West Virginia Sen. Robert Byrd. "No matter what party you're in, I think that's just a great song."

It must be spring.

Mr. MCCONNELL. Mr. President, I yield 2 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. SIMPSON. Mr. President, I want to commend our floor manager, Senator MCCONNELL. He had done a superb job. He has learned this issue and mastered, it and presents it on behalf of those on our side of the aisle with great skill and ability. I think we should also heed what Senator DANFORTH said a few minutes ago, and I wholly concur with his remarks.

Mr. President, I rise in strong opposition to this hypocritic and fatally flawed conference report. This has nothing to do with reform. It is a cynical, election year attempt that stacks the deck in favor of Democrat incumbents in the House and Democrat incumbents in the Senate. In fact, this legislation sets up different rules in each body for what constitutes reform in the House and Senate. At a time when the voters are demonstrating their desire for change, the Democrat authors of the bill have decided to create a new fortification for their fortress of incumbent status.

This legislation calls for public financing, which is bad enough, but insult is added to injury because it does not include any way to pay for it. It is estimated that should this conference report become law—it would cost $300 million in the 1994 election cycle alone. At a time when the House bank and House Post Office scandals are tainting this entire institution—can we seriously be considering asking taxpayers to subsidize the costs of our campaigns? As it applies to the House, this conference report would give members who spend less than $600,000 an additional $200,000 check from the Federal Treasury for their next election.

Under the pay as you go restrictions of the budget act, domestic spending increases must be deficit neutral. The conference report here says that we will just pay for this later. It also includes some nonbinding language that says the alleged funding source will not come from a tax increase, or from cuts in other programs, or from an increase in the deficit. I have more confidence in the intelligence of the American people than to ask them to believe that.

An area in desperate need of true reform is the level of PAC contributions in elections. Republicans continue to call for the elimination of special interest PAC's, the elimination of soft money or sewer money as it is called—and the reduction of out-of-state money which a candidate can raise from individuals. American voters have become disgusted with the power of special interests, and the Democrats who control Congress receive two-thirds of all of the PAC money contributed. It is no wonder that this legislation revives the alternative of PAC financing which Republicans, along with some Democrats, joined together to kill in the Senate version of the bill.

I also oppose the spending limits which will effectively stop challengers from raising enough money to attempt to level the playing field that currently favors incumbents. The Senate took the right step in eliminating the incumbent perk of taxpayer-funded mass mailings for an entire election year. The House has refused to follow suit, and this is certainly unacceptable. The House is telling challengers that they cannot spend more than $600,000 in an election, but incumbents can spend that much plus free election year mass mailings, plus all the other perks of incumbency. If this isn't a stacked deck, then what is?

If there was ever a scandal in American politics, unlimited and unreported special interest soft money is it. The Republicans would ban all soft money from all special interest groups. The

Democrats claim to have solved the soft money problem in this bill, and if you listen to the debate without looking at the text of the bill, you would think that soft money has been banned. In reality union soft money, that money used most frequently by our Democrat friends, is not banned—in any way.

When Democract politician's give special treatment to one interest group, labor unions, by allowing them to set up phone banks on the outskirts of towns and engage in character assassination of candidates—then we have a real problem. Furthermore, all of this is funded by contributions that aren't even required to be disclosed to the Federal Election Commission. This is a terrible abuse of the system that the authors have failed to correct in the conference report. It is sewer money and no matter how you dress it up—it makes this conference report olfactorily challenging—using the vernacular of political correctness. But it still stinks—no matter how you might want to phrase it.

The President said he would not sign a bill that contains public financing, spending limits, and that treated the two bodies differently. This bill does all three. A real triple play. Since no effort was made in any way to address the concerns of the Republican conferees, and since the Democrats are intractable, this bill will never become law. But that has never been the intention of it. Instead, the game is to throw this one up to the President for a veto; have it sustained; and then make hysterical campaign ads denouncing the President for failure to reform the system. It is time to stop this plain foolishness. I urge the rejection of this conference report. Maybe when we are not in an election year, the majority party in Congress will be more reasonable and thoughtful in helping us to craft a real reform package.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield 1 minute to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. EXON. I thank my friend. Mr. President, as my colleague from Oklahoma knows very well, I will simply cite the fact that this Senator has always been concerned about general taxpayer financing of campaigns. In the CONGRESSIONAL RECORD on May 23, 1991 on page S. 6536, there is an amendment offered by this Senator, who worked very closely with the Senator from Oklahoma on this. I am against taxpayer financing of campaigns and he knows that.

I have been listening to comments from the other side that this allows general taxpayer financing of campaigns. I think it is a smokescreen for those on that side who fundamentally want no limit on the amount of money that can be used or raised to spend on campaigns. I am against that.

Can the Senator from Oklahoma, my friend, who I have served as Governor with, assure me the thrust of the Exon amendment is still a part of this bill?

Mr. BOREN. Mr. President, I will be happy to respond to my colleague. We can look at section 902 of the conference report, and I quote it:

"It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases"—that means general taxes on the American people—"reduce expenditures for any existing Federal program, or increase the Federal budget deficit."

I ask unanimous consent to print that section in the RECORD and also to print in the RECORD pages 47 and 48 of the report of managers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(b) SENSE OF CONGRESS.—It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

CONFERENCE SUBSTITUTE

The Conference agreement does not provide for any source of funds to pay for the benefits contemplated under Title I. Since the conference vehicle is a Senate bill, it would violate Article 1, Section 7 of the United States Constitution which requires that all bills which affect revenues must originate in the U.S. House of Representatives. Consequently, the Conferees have omitted any statutory language linking the establishment or administration of any account to the United States Government.

The Conferees have adopted the authorization approach of title III of the House amendment. Section 902 of the Agreement specifies that none of the provisions of the conference agreement shall be effective until the Congress enacts subsequent legislation effectuating this Act. This provision prohibits any estimated costs of the bill from being counted towards the pay-as-you-go scorecard for sequestration purposes. Furthermore, the conferees intend that this provision creates an open-ended authorization framework for campaign finance reform. And that designating the source of financing is an issue to be decided in subsequent legislation.

The Conference agreement also provides for a Sense of the Congress resolution that subsequent legislation effectuating this act shall not provide for any general revenue increase, reduce expenditures for any existing federal program, or increase the federal budget deficit. The Conferees believe that this Sense of the Congress approach best reflects the desire of both Houses to avoid the commitment of public resources to financing any part of Congressional campaigns.

Mr. BOREN. Mr. President, let me indicate the report of managers accompanying the conference report indicate since the conference vehicle is a Senate bill, it would violate article I of the Constitution, section 7, which requires that all bills affecting revenue originate in the House of Representatives. Consequently, the conferees have omitted any statutory language linking the establishment or administration of any account to the U.S. Government. But we did then adopt the sense-of-the-Congress statement which I just quoted which indicates that it is not our intent to use general revenues to finance this bill. So I would agree.

I know the Senator's long interest in this matter of not burdening the general taxpayers additionally to finance this program. I would say that is not the intent of this piece of legislation.

Mr. EXON. I thank my friend from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Do we have 1 additional minute remaining on this side?

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute remaining.

Mr. BOREN. If it is agreeable to my colleague, we will complete action on this side by yielding 1 additional last minute to the Senator from Florida.

Mr. MCCONNELL. How much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes and 20 seconds.

Mr. MCCONNELL. That is fine.

Mr. BOREN. I yield the remaining time on this side to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is yielded 1 minute.

Mr. GRAHAM. Mr. President, I express my appreciation to my colleague from Oklahoma and commend him for the outstanding work he has done for many years on this important issue.

Mr. President, we have had much discussion about what is the pathology of American politics, why have we arrived at the point we have today in which there seems to be so much public cynicism, distrust, a lack of an affinity between the people and their Government. I believe that a substantial part of that reason goes to the nature of our current campaigns and is more than just the amount of money or the way in which the money is raised. It is what the money does to that special relationship between the people and their Government.

The tremendous amount of money has caused many people to equate access to Government with money for political purposes.

It has caused the communication between the public and their elected representatives to be confined to packaged 30-second television spots. To that end——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Mr. President, if I could ask for an additional 30 seconds.

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes and 20 seconds remaining.

Mr. MCCONNELL. I will be happy to yield to the Senator from Florida 20 seconds.

Mr. GRAHAM. To that extent, Mr. President, I would like to point to one particular provision of this bill which I think is especially salutory, and that is the provision requiring four Presidential debates and one Vice Presidential debate as a condition for the continuation of the present program of public funding of Presidential elections.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. MCCONNELL] is recognized.

Mr. MCCONNELL. Mr. President, once again we have reached the end of a lengthy debate on a very, very partisan issue. I have noted with some interest in the course of the debate charts and other observations about how this particular bill would benefit challengers.

The first observation I would make is it seems to me that is rather curious coming from the majority which, after all, has the most incumbents. And so I think it is reasonable for people to be somewhat skeptical about the majority's arguments that this measure would help challengers.

In fact, Mr. President, if you look out at the academic world, those who do not have a partisan ax to grind one way or the other on the issue of these kinds of bills—that is, spending-limits-type measures—I defy anybody to name a credible academic anywhere in America, Republican or Democrat, who believes that a spending-limit bill benefits challengers. In short, the experts do not believe that at all.

So let us at the outset put aside the notion that this is some kind of generous gesture on the part of the majority to help all of those Republican challengers out there around America running for office. It clearly is not, and the people who do not have an ax to grind know it is not.

So what does the bill do, Mr. President? No. 1, it clearly does not address the one issue that the American people would like us to address, and that is the question of special interest influence or contributing to Congress. I was the first to advocate, some 4 years ago now, elimination of political action committees altogether. Last summer, the day before this measure was to come to the floor, the majority adopted that position, presumably in order to avoid having to vote on the question of eliminating PAC's.

But, aha, Mr. President, the PAC's are back. In this conference report, on which we will vote at 3:30, the PAC's are back. Not only did the House not do anything about the PAC's, the PAC's are back in for the Senate. So it is pretty clear that the Congress is unwilling to wean itself from this type of contributor that overwhelmingly supports people who are here regardless of party. PAC's love incumbents.

In addition, Mr. President, there has been a lot of talk about sewer money. There has not been much, however, in the way of definition. The majority defines sewer money as anything the parties do effectively in terms of raising money and influencing elections.

David Broder, probably the most eminent political commentator in the country, in an article last summer, made his principal argument against this bill, that it restricts the activities of parties. Parties are the one entity, Mr. President, the one entity that can be counted on in the American political system to support challengers, and this bill nails the parties. Why? Because the Republican Party has done a better job of raising money from a whole lot of people—as Senator GRAMM pointed out, 314,000 contributors this year to the Republican senatorial committee at an average of $54.

Because we have done that better, they want to take that away from us, and they do not want to address the real sewer money in politics. The real sewer money, Mr. President, are those hiding behind the Tax Code—labor unions, environmental groups, and all the rest hiding behind the Tax Code—actively involved in the political process, almost all of which are operating on behalf of Democrats and not Republicans. And this bill does not do anything to even disclose, much less limit, the activities of these tax exempt groups. That is the sewer money, Mr. President; that is the sewer money. This bill does nothing about sewer money.

In addition, I think it is important occasionally to make reference, when we are talking about tampering with people's first amendment rights, to the Constitution of the United States. We are dealing here, Mr. President, with the first amendment. The Supreme Court made it very clear in the Buckley case that spending is speech, and that it is constitutionally impermissible to dole out speech in equal amounts to candidates: Candidate A, you can only have this much speech; and candidate B, you can only have this much speech; and if there is somebody else who qualifies, you can only have this much speech.

You cannot quantify speech in America. And so the Court said if you are going to seek to quantify speech, it has to be truly voluntary. And that is what the Presidential system is. Why have people like George Bush accepted spending limits in public finance and people like Ronald Reagan, both of whom despise the notion? It is generous. It is an enormous entitlement program set up in such a way that it is incredibly enticing to all candidates, but you do not get punished if you do not accept it. One candidate had the courage to say: "I will not accept public funding"—John Connally. He did not get many delegates, but he did not get punished. Nothing bad happened to him.

But under this bill, if you are so brash as to say: I am not going to limit my speech; I am going to go out and speak as much as I want to, all kinds of bad things happen to you. No. 1, you lose your broadcast voucher. No. 2, when you speak too much and get above the limit, the taxpayers subsidize your opponent. You are punished for speaking too much under this bill.

The other absurd aspect of this bill, Mr. President, that I think is interesting, is how the Treasury is used to oppose independent expenditures. Let me give you a hypothetical, Mr. President. Let us say—and this is not too farfetched, by the way—that David Duke is running in Louisiana, and let us just pick a group. Let us say B'nai B'rith decided it was in the best interests of America to stand up to David Duke, to oppose him, and so they went into Louisiana and made independent expenditures against David Duke. Now, most Americans would say that is a perfectly appropriate thing for B'nai B'rith to do.

Aha, but under this bill, David Duke will be able to reach into the Treasury and get my tax dollar and your tax dollar to combat B'nai B'rith. This is absurd. This bill is a turkey, and this bill is clearly unconstitutional.

Now, if per chance anything like this ever becomes law—and it is not going to, as you know. The President is going to veto this the minute its hits his desk. It is going to be sustained—it is a comfort to this Senator to know this monstrosity could not survive the courts anyway. So it is clearly unconstitutional.

Finally, let us talk a little bit about public funding. The President has been criticized for saying he is against this bill while he has accepted public money for Presidential races. Mr. President, that is about like saying that because the House has a bank, the Senate ought to have a bank. That is how ridiculous that is. The worst thing to do would be to extend this public funding monstrosity further.

As this check points out pretty well, we have "insufficient funds." This is a large rubber check on the Treasury to pay for our campaigns.

The other thing you have to remember, Mr. President, when you reach into the Treasury, all that money has to be audited, and pretty soon the FEC would be the size of the Veterans' Administration, with auditors crawling all around America, looking at all of these reports, all of these fringe candidates like David Duke and Lenora Fulani reaching into the Treasury to fund their campaigns.

This will be a massive program, $250 million to $300 million in the beginning. But just wait until all the fringe candidates find about it. It is going to grow like kudzu, Mr. President—grow like kudzu.

So make no mistake about it, at a time when the American public would really like to deal with something real, like the deficit, we are here contemplating writing a big rubber check for us. Mr. President, because it is unconstitutional, because it does nothing about special interest contributions, because it does nothing about sewer money, because it wastes an enormous amount of the taxpayers' money, I respectfully urge my colleagues to oppose this turkey one more time.

Mr. SEYMOUR. Mr. President, I rise today to oppose the conference report to S. 3, the so-called Congressional Campaign Limit and Election Reform Act of 1992. My opposition is simple: This is not reform. No Member of Congress, after reading this conference report, can look at an average American with a straight face and call this bill "reform."

The political philosopher Machiavelli once said that it is important for politicians to appear to do good, rather than actually do good itself. The American people have already seen sad examples that the spirit of Machiavelli is alive and well. They saw it when the Senate Democrats tried to ram through a crime bill to create the appearance that they were hard on crime when in fact their watered-down version was and is crime.

We saw it again when Democrats in Congress tried to force through a so-called economic growth proposal that in reality would shackle struggling small business with high taxes.

Well, here we go again. Those in the majority party who support this conference report do not want reform today. They want yet another issue. This report was drafted with no real participation by the Republican members of the conference committee. The Democrats know this report will be vetoed. They are counting on it. They know this bill is far, far short of the support needed to override the President's certain veto.

They accept that. It is all a part of an attempt to create the appearance that they are for reforming our campaign finance system when in reality they are for incumbency protection and getting the taxpayers to finance it.

I am confident the American people will look beyond appearances and focus on reality. And the reality is that this conference report will do more to further the American people's already hostile belief that we in Congress are not serious in enacting accountable measures that put an end to nonstop campaign money grabs, and excessive special interest contributions. Rather than a step forward, this conference report is a feeble sidestep that dodges the tough choices that must be made to achieve real reform.

What do I mean by tough choices? Tough choices mean a system that reduces the advantages of incumbency, and provides uniform, equitable rules across the board for all Members of Congress.

Tough choices mean disclosure of soft or sewer money, but not just by the political parties, but other special interests, including labor unions.

Tough choices mean real, voluntary spending limits that are fair and equitable for all Members of Congress.

Finally, tough choices mean not to impose the cost of campaign finance reform on the backs of the American people.

It is easy to see that this conference report is lacking in tough choices, making it all but certain that the challenge of reform rests with the 103d Congress. Let me cite just a few examples, Mr. President. First, what we really have are two campaign finance bills. One for the House, one for the Senate. The report avoids uniform, equitable rules that should apply to both Houses of Congress. For example, the conference report bans a Senator from sending taxpayer-funded mass mailings during his or her election year, but places no limitations on such mailings by incumbents in the House. A modest reform in the Senate, but the status quo in the House.

Though the conference report's supporters claim this bill strikes at the excessive influence of political action committees [PAC's], why are the only real limitations in the Senate? Mr. President, this is worth closer examination. Under the conference report, a single PAC can contribute no more than $2,500 to a Senate candidate. And the total amount that he or she can receive from PAC's is 20 percent of the total expenditure limit, or $825,000, whichever is less. In other words, for a California Senate candidate who spends the full expenditure limit of $8.25 million for the entire election cycle, he or she can only receive PAC contributions totaling $825,000, which is 10 percent of the limit.

However, individual PAC contributions to House candidates remain at $5,000. And if a House candidate abides by the $600,000 campaign spending limit, $200,000 or 33 percent of the amount can come from PAC's. But take out the maximum Government freebie of $200,000 and you have a more glaring statistic: of the $400,000 a House candidate can raise in private contributions, half—50 percent—can come from PAC's.

Why the different rules? The reason is simple: The majority party in the House does not want to cure itself of its addition on PAC contributions. From 1982 to 1990, the PAC portion of the House democrats' total campaign war chest rose from 38 to 52 percent. Think of it: The House Democrats receive just as much, if not more funding from inside-the-beltway special interests than from voters in their own district.

It is that degree of influence that perpetuates the congressional careers of incumbents and limits the opportunity of challengers. So rather than institute real change, the House Democrats simply put the status quo in this bill.

The total PAC contribution ceiling is just slightly lower than the average amount a House member currently receives from PAC's, leaving in place the already high degree of influence exerted by special interest PAC's.

But there is more that is wrong with this report. The so-called spending limits and other restrictions on fund raising are not equitable for House and Senate candidates.

Let me use California as an example. A California Senate candidate seeking public assistance under this bill must raise a portion of his or her funds from Californians. By contrast, a House incumbent can receive taxpayer funds without receiving a dime from a voter in his or her own district.

Also, a California Senate candidate seeking to abide by this bill is limited to a total of $5.5 million for the general election. If you divide this amount by California's current voting age population, a Senate candidate can spend only 25 cents per voter. Yet, a House candidate in California, with a $500,000 limit in the general election, can spend $1.21 per voter in the district.

How can even the strongest proponent of these so-called voluntary spending limits support such a gross inequity between House and Senate? I understand that the House and Senate operate under different administrative rules, but let us be clear what is behind this inequity. First, while the American people want a change in special-interest fundraising that perpetuates incumbent advantage, the Democrats do nothing to truly reduce PAC influence in the House.

Second, when Americans want an end to the overall money chase that also favors incumbents, the Democrats set a spending limit for House races that is well above the average that House incumbents spent in the last election in 1990.

But that is not the worst of it. In return for abiding by these cosmetic reforms, candidates are given a series of freebies and benefits that could cost American taxpayers $1 billion over the next decade. At a time when the American people have had enough of perks for politicians, we have before us a conference report that may stir new life in the House bank.

Mr. President, real reform, real constructive efforts to change our campaign system must not be done on the backs of the American taxpayer. Each year, the Federal Government provides funds for many worthy programs ranging from Head Start to AIDS and cancer research. The last individuals who deserve to compete for these scarce

funds are we, the politicians. It is just common sense. A taxpayer should not have to see his or her hard-earned tax dollars going to crackpot politicians like David Duke and Lyndon LaRouche.

The American people agree. In virtually every poll taken on this issue, the American people are strongly against taxpayer-financed elections.

Now there is some confusion among the supporters of the conference report about the presence or lack of a public financing component. The chairman of the House Administration Committee said recently that the most important aspect of the conference report is that it does not take funds from taxpayers or increase the deficit. Meanwhile, the Washington Post and New York Times are lauding the Democrats for including public financing in their bill.

The Democrats are attempting to pull a fast one on the American people by not providing a public funding mechanism even though their bill will not work without it. How can we restore the trust in the American people with this lame game of good news/bad news: America, the good news is that we in Congress will not take a dime of your hard-earned dollars for our campaigns today. The bad news is we will be back to get you later.

And for yet another example of why this conference report cannot be taken seriously, I direct my colleagues' attention to section 902(b) of the conference report, which states that it is the "sense of the Congress" that any future funding mechanism cannot increase general revenues, reduce expenditures for any existing Federal program, or increase the Federal budget deficit. Unless the Democrats have discovered the goose that lays golden eggs, I cannot see how they can institute their plan for hocus-pocus public financing without raising general revenues or shifting funds from existing programs.

Mr. President, I do not know what it is going to take to wake up the U.S. Congress. This conference report is further evidence to the American people that those who are at the helm are out of touch and out of control. The American voter wants an end to the inside-the-beltway bank of the Potomac mentality. This conference report does not do it. The American people want an end to soft money abuses by labor unions and other special interests. This conference report does not do it. The American people want campaign finance reform, but not at the expense of their hard-earned funds. This conference report does not do that either. Instead, it creates another taxpayer-financed perk for politicians.

I would think that given the current mood of the country, a more serious, less politically motivated effort toward reform of our campaign process would have occurred. I am sorry to see that what we have before us is yet another argument for the term limits movement in this country.

Mr. President, it all adds up to one simple premise: The Democrats underestimate the intelligence of the American people to look at the real issues. I am confident that the American people will look beyond this Machiavellian charade and see this conference report for what it is: a sham.

Mr. BRYAN. Mr. President, every American knows that there is too much money in the political process. Like an ever escalating arms race, the costs of House and Senate campaigns have quadrupled since 1976, from $115.5 million to $445 million in 1990. There is simply too much money in the system.

The key to turning this situation around and making the number of dollars raised less of a factor in campaigns is to impose spending limits. If less money can be spent, then less money will have to be raised and more time can be spent working on more worthwhile endeavors.

Mr. President, I support an outright law dictating how much candidates may spend. Unfortunately, the Supreme Court does not agree. In what I consider to be an ill-conceived decision, the Supreme Court decided in Buckley versus Valeo that limitations on overall campaign expenditures restrict a candidate's right to free speech. The Court said that only voluntary limits could be upheld. For this reason, I am a cosponsor of a resolution authored by the Senator from South Carolina to amend the Constitution to allow a cap on campaign spending. The resolution was approved by the Judiciary Committee and is awaiting action by the full Senate. Many, including entrenched special interests, do not support such a cap on campaign spending, and unfortunately, prospects for swift passage are not likely.

In the meantime, as this amendment makes its way through the time consuming process to amend the Constitution, I support a comprehensive campaign finance reform bill which contains fundamental reforms to the campaign finance system. This bill represents the most far reaching attempt by Congress to overhaul the system.

Under the voluntary spending limits in S. 3, the cost of running for the Senate in my home State of Nevada would be cut roughly in half. This bill would cut by half the amount of money candidates may receive from political action committees. It also eliminates bundling of contributions and will drastically reduce the amount of so-called soft money that can be pumped into elections.

Campaign reform has unfortunately been locked in partisan gridlock as each side believes changes will benefit the other party. Now, some 32 past and present Republican challengers have announced their support for this reform bill. In a letter to President Bush, these challengers urged the President to sign the campaign finance reform legislation because they say it will benefit challengers. "Such legislation is necessary to level the playing field for credible challengers and to restore a measure of fairness to our electoral process," the letter stated. President Bush has vowed to veto the bill.

Mr. President, I was recently a challenger myself. In the Senate elections of 1988, challengers spent $49 million while their incumbent opponents outspent them by more than double that—$101 million.

It is obvious to everyone involved in the process of electing public officials from incumbents and challengers to voters that something needs to be done about the way campaigns are funded. If we are serious about campaign finance reform, we need to limit the cost of election to the U.S. Senate, ending the money chase and providing a level playing field for all candidates.

Mr. MIKULSKI. Mr. President, I am going to vote for the conference report on the campaign finance reform bill. I will vote for it because the campaign finance system is out of control. I will vote for it because the people of the United States are fed up. And I will vote for it because I believe we can have a political process which is better and fairer and more open than the one we have today.

The campaign finance system is out of control. Under the current system, members of Congress must constantly raise large sums of money to finance their campaigns. In the last Senate election in 1990, the average winner spent $4 million on his election. Without spending limits, it will cost more this year and even more in 1994.

When average Americans—the corner grocer or the cop on the beat—see spending like that, they become discouraged and cynical. They feel they cannot compete with the big dollars and they do not even try to get involved.

Mr. President, it is time to fix the system. On Tuesday, the Republicans held a campaign dinner and encouraged supporters to raise $92,000 apiece. This was the price for having their picture taken with President Bush. How many ordinary folks do you know who can raise $92,000? When that fancy letterhead crowd writes those big checks, do you think they do it because they want to make sure the average American's hopes and fears are addressed? The people know better.

The people believe that under our current political system, a few fat cats have far too much power over what gets done and, more importantly, what does not get done.

We have gridlock in Washington. We are not getting action on health care reform. We are not taking the steps necessary to make our economy com-

petitive. We are not getting the job done, and part of the reason is that the big fat cats who pay for the high campaign costs prefer the status quo. It has been good to them, but the people want change.

The people of the United States are fed up with a political system that does not act on our Nation's problems, does not put the concerns of ordinary working families first, does not listen to them. They are fed up with negative ads instead of positive programs, with sound bites instead of solutions, with politicians who are more concerned about how they look than with what they accomplish. In primary elections across America this year, the voters have called for change.

Newcomers like Carol Moseley Braun of Illinois and Lynn Yeakel of Pennsylvania have become the nominees of their party. Why? Because they represent a change in the old way of doing things, and so do I.

The voters want change. This campaign finance reform legislation is one way we can respond to this call for change. It limits campaign spending, limits campaigns' cost, and limits the ability of PAC's to influence the process.

It helps to bring us back to a level playing field, where average moms and dads have as much opportunity to be heard as the big fat cats do, because Mr. President, I think we all believe we can do better than we're doing.

I got my start in politics as a community activist, working to prevent a highway from demolishing my neighborhood. Today, I am a U.S. Senator.

I do not want to see the next generation of community activists shut out of the process. I want people at the grassroots in communities across America to have an opportunity to participate. I want to see us restore the faith and trust we all believe Americans should have in their government; give them a reason to get involved. I want to limit the influence of big dollars and increase the influence of people with big hearts, people who care, people who want to make a difference and people who are angry. I want to see us give our Government back to the people. Campaign finance reform will help us do that.

I yield the floor.

Mr. BREAUX. I would like to pose a question to the majority leader concerning one aspect of this legislation. As the majority leader knows, Louisiana has a unique election process which involves an open primary system for the election of Federal candidates and I am concerned about how this legislation applies to that process.

Other States hold primaries for the selection of candidates for the general election representing each party. In contrast, Louisiana conducts an open primary where candidates representing all parties run at the same time in one election. That open primary election occurs in October and if no candidate receives at least one half of the vote, the top two vote-getters run in the November election.

Mr. MITCHELL. Yes; I am aware of the Louisiana open primary system and I agree that any legislation establishing a system of voluntary spending limits should be crafted to take into account the Louisiana system. As the Senator knows, the conference report the Senate is now considering would establish State-by-State voluntary spending limits for general and primary elections based on the voting age population of the States. A limit is established for the general election and 67 percent of that amount may be spent in the primary election.

Mr. BREAUX. I understand the conference report includes definitions of "primary election" and "general election." A primary election is an election which "may result in the selection of a candidate for the ballot in a general election." A general election is an "election which will directly result in the election of a person to a Federal office but does not include an open primary election."

As I interpret this language, the Louisiana open primary, even though it may result in the direct election of a candidate for the U.S. Senate, would be considered a primary for purposes of applying the lower spending limit to the election contest.

Mr. MITCHELL. That is correct. The Louisiana open primary would be subject to a voluntary spending limit which is 67 percent of the spending limit that would apply to the runoff election if no candidate receives at least 50 percent of the vote.

Mr. BREAUX. That is a problem for Louisiana. In order to ensure the fairest election contests the open primary should be treated as a general election for purposes of using the higher spending limit. The open primary is a longer election contest and should be subject to the general election spending limits.

Mr. MITCHELL. I agree with the Senator from Louisiana and would be pleased to make such a change in the bill language. The Louisiana election system is unique and special rules should govern those elections to ensure the fairest and most appropriate treatment to all candidates. If the President signs this legislation, the provisions in the conference report we are considering today will not go into effect until subsequent legislation is enacted which funds the program. At that time, refinements to the bill can be made to modify the definitions of general election and primary election to recognize the special situation that applies in Louisiana. If the President vetoes this conference report we will make the appropriate changes when this issue is considered again in the future.

Mr. BREAUX. I intend to vote for this legislation although I am opposed to the effect it has on the Louisiana open primary and believe this language must be changed. I appreciate receiving the majority leader's assurances on this matter.

Mr. SANFORD. Mr. President, by passing S. 3, the conference report on the Congressional Campaign Spending Limit and Election Reform Act of 1992, the Senate has an opportunity to let the American people know that we have heard their message and that we are as tired as they are of big money politics and the endless chase for money in congressional campaigns.

Today, the Senate can address in a serious way the public's frustration with politics as usual. The Senate can reform a campaign system that is too dependent on large sums of money and that gives the appearance of corruption. Today, we can begin the process of restoring the public's confidence in the Congress.

There is no doubt that the amount and importance of money in our campaign system taints the reputation of public service. Elected officials are consistently accused of being bought by their campaign contributors. My strong feeling is that Members of the Senate and the House take special care not to be influenced by campaign contributions. But there is the appearance of corruption and it has been enough to erode public confidence.

Today the Senate can send to the President a reform measure that has taken a long time to develop. The fact that we are here voting on a conference report on campaign finance reform speaks to the hard work and perseverance of the senior Senator from Oklahoma who has been tireless in his efforts to reform a sick campaign system. For 5 years, he has led the charge. He is to be commended.

In August of 1987, I came to the floor of the Senate to speak in favor of S. 2, the first of the campaign reform bills that preceded and helped to form the bill in front of us today. As a cosponsor of S. 2, I pointed out that there was a judgment felt widely across the land that far too much money is spent for political campaigns, and that the American political system was the worse for it. I had been in the Senate for just 6 months and it was already painfully obvious that Senators had to spend far too much time being professional fundraisers. A Republican filibuster prevented a vote on S. 2.

In the 101st Congress, the Senate revisited this issue and passed S. 137, the Senatorial Election Campaign Act of 1989, legislation nearly identical to S. 3 before us today. Again, a campaign finance reform measure failed to become law. This time because of a threatened veto by President Bush.

Last year, the Senate took up consideration of S. 3, then known as the Senate Elections Ethics Act, out of which came the conference report before us.

For the first time, despite 5 years of Republican opposition and obstacles, the President can be sent a tough campaign finance reform measure—one that the people support.

If the development of this bill has been difficult and full of roadblocks, the future of this bill looks even more bleak. President Bush has indicated his intention to veto S. 3. He will choose political expedience over sound public policy. For if we pass this conference report, the President's options are clear. One option is for him to do what he knows is right and sign a bill that the public supports. His other option is to veto S. 3, and to keep a campaign issue at hand. On the campaign trail he will rail against a do-nothing Congress. It will be another in a series of cynical moves by the President to defeat real reform in order to keep alive his hollow argument that the Congress is not able to address the pressing issues of the day.

Mr. President, we all know how the public views the Congress. The approval rating for the Congress is at an all time low. It is my conviction that this lack of respect for the Congress is in large measure due to our system of campaign finance. I do not believe that the Members of this body are corrupt. Clearly, however, our campaign system gives the appearance of corruption. The excessive spending on campaigns puts a real strain on elected officials at all levels of government. The status quo, our current campaign system, requires ever increasing campaign spending by Members of Congress. This gives the appearance to the public that we are dependent on private funds, special interests, and rich friends to finance our campaigns. Bill Moyers interviewed a mechanic recently who said something to the effect that he felt that the Government is of the people, by the special interests, and for the few. The Congress is not corrupt, but it sure looks that way.

We have an opportunity to say to that mechanic, and to all citizens across the land, that we have gotten the message. We can prove that reform is an issue we are serious about by passing S. 3. President Bush can provide real leadership by signing this bill into law.

S. 3 provides a comprehensive approach to campaign finance reform. This conference report establishes a system of voluntary spending limits. In my home State of North Carolina, just over $3 million could be spent in a Senate election cycle. That would cut for example over $19 million out of the $25 million estimated spending in the 1990 North Carolina Senate race. When our Nation faces all the problems that it does, funds could be put to much better use than excessive campaign spending.

The spending limits are voluntary because the Supreme Court ruled in 1976 in the case of Buckley versus Valeo that mandatory expenditure limits are unconstitutional. In order to deal with this Court case, incentives or punishments must be offered to induce candidates to accept spending limits. S. 3 offers incentives in the form of limited public financing. Candidates who agree to spending limits will receive free and reduced-rate broadcast time and discounted mailing rates.

S. 3 also addresses the difficult issue of contributions by political action committees. In the Buckley case, the Supreme Court ruled that the right to associate is a fundamental constitutional freedom. It seems nearly certain that a total ban on PAC contributions would be ruled unconstitutional. Although we cannot ban total contributions by political action committees, we can take steps to reduce the influence of special interest money. This bill does just that. No Senate candidate could accept more than 20 percent of the total spending limit from PAC contributions. The amount of money a political action committee could contribute is reduced by half under this bill.

The conference report also addresses the issue of soft money and bundling. Soft money is that money which indirectly influences Federal elections but is raised outside the restrictions of Federal law. S. 3 subjects this often abused campaign practice to Federal law. Money raised and spent by party committees solely in connection with a Federal election would be subject to limits and reporting rules under Federal law, not simply State laws.

Bundling allows an individual to solicit a number of checks for a candidate without the total amount of those donations counting against the contribution limits of the individual. This conference agreement will prohibit bundling and would require all contributions made through intermediaries, such as professional fundraisers or house party hosts, to be fully disclosed. These are all important and necessary provisions if our campaign system is to be truly reformed.

While there are other important provisions within S. 3., one deserves special mention. A major complaint I have heard from one end of North Carolina to the other is that people are sick and tired of negative, meanspirited campaign advertisements. These advertisements add nothing to the public debate. The conference report before us requires that television advertisements include a prominent and identifiable image of the candidate and a statement that the candidate takes full responsibility for the content of the advertisement. This will force candidates to take personal responsibility for the statements made in television advertisements, a most welcome development.

If people have made clear their disdain for negative campaign commercials, they have also indicated their strong support for campaign spending limits and campaign finance reform. On average a Senator spends $4 million to campaign for a Senate seat. This does not sit well with North Carolinians. In the last Senate campaign in my State the challenger spent $7.7 million in a losing effort. The winner spent $17 million or $15.50 for each vote he received. This also illustrates very well the fact that spending limits help challengers by creating a level playing field. Under S. 3, incumbents will not be able to amass huge war chests. Spending limits also serve to reform a campaign system that is so exorbitantly expensive that many qualified challengers simply decline to seek office.

Mr. President, it bears repeating: The amount of money needed for a viable campaign in this television dominated era is disgraceful. There is no other word for it. We must enact significant reform so we can cease being part-time legislators and full-time fundraisers.

Nonetheless, the President will veto this bill. He will veto S. 3 because he says that he cannot in good faith sign a bill that includes public financing provisions. It is difficult to miss the hypocrisy of this position. The President has benefited more from public financing than any other elected official in our Nation's history. At the end of this Presidential campaign, Mr. Bush will have collected $200 million in Federal matching funds, an all time high.

It seems that the Senate will not have enough votes to override this expected veto. If S. 3 does not become law, I will once again advocate a new direction for campaign finance reform. I have introduced Senate Resolution 70 which recognizes that the Senate should make and enforce its own Campaign Code of Conduct for the dignified election of its Members. My resolution does not offer limited public financing in exchange for compliance of spending limits. Instead, it offers sanctions, in some cases mandatory, ranging from loss of seniority advantages to censure, and even expulsion for failure to abide by the rules. That discussion, however, can wait.

Perhaps my resolution will not be necessary. Perhaps President Bush will sign S. 3 into law. Perhaps, after hearing from so many of our fine citizens across the land who are disgusted with dinners that raise $9 million in one night, President Bush will see the need to reform this campaign system. It is not too late for the President to show real leadership and to follow the will of the people, but I hold out little hope.

Thank you, and I yield the floor.

Mr. BIDEN. Mr. President, I will support the conference report before the Senate, but I do so with the knowledge that it represents only a partial response to much needed reform of our campaign finance laws.

For nearly two decades, I have argued in support of public financing of

congressional campaigns. The conference report does not include full public financing. But if the President signs this conference report into law, something he unfortunately is not expected to do, it would represent an improvement over the current system.

However, with or without the President's signature, I believe we will return again to the subject of campaign finances, and perhaps then we will put aside attempts at moderate reform and adopt a true overhaul of our elective process.

In this conference report, we are rightly acting to address the nagging feeling of the American public that they have no voice with their elected representatives, that they have little role in determining who those representatives are.

The public seems convinced that they play no real part in a candidate's efforts to get to Congress or to stay in Congress. Decisions seem to be made by heavy-hitters or insiders, not through a reflection of the electorate's wishes. This has bred a cynicism that goes to the heart of our democratic government.

Earlier this month, the Wall Street Journal and NBC conducted a nationwide poll. Nearly 60 percent of the respondents agreed with the statement that "the economic and political systems in this country are stacked against people like me." Nearly two-thirds of the respondents believed that quite a few people in Government are a little crooked.

There are undoubtedly dozens of factors that contribute to the public's distrust or alienation from Government, but one factor has to be the election process.

When I first ran for the Senate in 1972, I was a little naive about the process. After I received the nomination, I went to the chairman of the Democratic Party and said, "Do you write me a check?" He looked at me and said "you are 29, aren't you?"

I thought the parties would help their nominees. I found out quick that the costs of my campaign were covered by me knocking on doors and asking for contributions to help me run for office. But for most candidates, knocking on doors won't be enough. Like it or not, they will have to chase bigger campaign contributions. Public financing would end the spectacle of good candidates having to pander to special interest groups, and of other candidates who never make the effort because the financial requirements are so demanding.

The chase for dollars dominates the electoral process we have today. This conference report will move us closer to the goal of deemphasizing the importance of raising money. Unfortunately, it does not completely end that influence.

It is interesting how opponents try to characterize any use of public funds for election campaigns. Listening to them, one would think that campaigns are most commonly financed through small individual contributions, and that this grassroots effort would be completely destroyed by a reform of the system.

But is that what the American public is expressing their outrage at? That they believe their voice would be lost through a public financing system? This assertion of opponents completely distorts the picture. The public believes their voice is lost now, under existing rules. What public financing would do is eliminate the excessive influence of the fat cats in deciding who runs and who doesn't. The American people rightly believe they should be the ones to make that decision.

The President has said he will veto a bill that includes spending limits and public financing. Two crucial components of campaign finance reform, and the President wants to take them off the discussion table. It is a defense of a system that the American public clearly rejects as inequitable.

Opposition to spending caps? In 1974, I wrote an article on campaign finance reform for the Northwestern University Law Review. In that article, I noted that certain individual races cost as much as $320,000 for the House and $2,300,000 for the Senate. Those were exorbinant figures for the time.

Now we have reached spending levels that can only be termed astronomical. In 1990, the average winning House race cost $400,000—the average cost is now well above what was considered an exceedingly expensive race when I first entered Congress. The average cost for a Senate seat showed the same trend. The Senate average for 1990 was $4,000,000, nearly double the highest cost in 1974.

Opposition to public financing? Concern over the costs of campaigns and how they can change the nature of representative politics is not limited to the national level. Last week the Governor of Delaware, Michael Castle, signed legislation to allow counties and municipalities to pass public financing laws. In signing the bill into law, Governor Castle, a Republican Governor I might add, had some observations about the Delaware law that could just as easily apply to what we are acting on today.

In a letter to the Delaware Legislature, Governor Castle said:

> I support this legislation because I believe that public financing of local elections can lead to a more competitive system where challengers as well as incumbents have access to adequate resources with which to run effective campaigns. The impact which a system of public financing can have on elections to local office is particularly significant where large individual contributions can be disproportionate to the total amount of campaign contributions received by a candidate. In such elections, public financing can diminish the influence of special interest money, encourage the participation of small contributions and reduce the need for candidates to spend significant amounts of time soliciting money from large contributors. * * *

If those observations can be made about local races, imagine what can be said about House or Statewide Senate races. The fact is that the same influences that Governor Castle cited in local elections are writ large in elections at the Federal level.

The conference report we will vote on later today represents only a first step in dealing with this issue. I continue to believe that while moderate reform may take eliminate some of the excesses, we should not stop here. We should go further and pass total public financing for Senate campaigns. Only this step would completely return the process to citizens, where it belongs.

Mr. SMITH of Oregon. Mr. President, I will vote against this conference report with pleasure. If ever there was a misbegotten example of legislation which purports to deal with a problem, while making it worse, this is it.

Our system of regulating elections is far from perfect. But this conference report will ensure that there will be no changes in our campaign finance laws during the 102d Congress—good, bad, or indifferent.

Mr. President, the reason this conference report will kill campaign reform for the 102d Congress is that, rather than attempting to come to grips with the inadequacies of the way we conduct and fund campaigns, it is little more than a cynical effort to manipulate the rules to benefit selected participants in the political process.

This will not be the first time that architects of so-called campaign reform proposals have attempted to undermine the very fabric of our democratic system for political gain.

For example, the Campaign Reform Act of 1974 was a monumental effort in incumbent protection. In the 16 years following the 1974 enactment, incumbent reelection rates rose from 85 to 97 percent in the Senate and from 80 to 96 percent in the House. In 1988, in fact, the House reelection rate was a startling 98 percent. In a vicious cycle, greater incumbent protection dried up sources of financing, with challengers receiving only 6 percent of the $108.6 million PAC's contributed to House candidates in 1990.

The 1974 act was dysfunctional in a number of other ways: Following the 1976 Buckley versus Valeo decision, wealthy candidates were allowed to make unlimited contributions from their personal wealth, while poor- and middle-income candidates were disadvantaged in their efforts to raise the seed money they needed to seek reelection. The reason for this is simple: While a wealthy candidate can throw $100,000 or $500,000 or $1,000,000 into his campaign, it is virtually impossible for

a candidate without wealth or name recognition to raise this amount of money in $1,000 increments.

Ironically, as well, the decline in individual participation in election funding has led to an increasing dominance of the much-maligned political action committee, which grew in numbers from 608 in 1974 to 4,268 in 1988.

Given this history, it is not surprising that the cornerstone of this conference report before us is an attempt to further skew the system by creating an entitlement program for politicians. In 1984, this entitlement program would take an estimated $300 million out of the pockets of taxpayers and place it in the hands of anyone who qualified for matching funds. Should taxpayers be required to fund Lyndon Larouche? Or David Duke? Should tax dollars subsidize the bigoted advocacy of neo-nazis? Of anti-Semites? Of Maoist revolutionaries? Or terrorist fringe groups? That is exactly what is happening with the Presidential campaign fund, and this nutty proposal would extend this problem to all Federal elections.

The American people understand the fundamental unfairness of requiring them to subsidize political campaigns, and they have, in fact, repudiated the Presidential campaign financing system every time they have been given an opportunity. Over the past decade, the total percentage of tax filers who check off the $1 set-aside for Presidential campaigns has plummeted from a high of 29 percent in 1976 to 19 percent in the most recent taxable year for which figures are available.

Furthermore, since this new entitlement is to be funded without "reducing expenditures for any existing Federal program," we can surmise that funding will come from increased taxes.

It is also not surprising that the conference report jettisons the Senate's elimination of political action committees. One would hope that this move to preserve PAC's was motivated by those who, like myself, believe PAC's are a constitutionally protected outlet for small contributors to flex their political muscle. But it is clear that the jury-rigged system, with some rules for the House and other rules for the Senate, is a product, not of principle, but of political expediency.

So, Mr. President, campaign reform will die with today's vote on this conference report. The bill will be vetoed, and the veto will be sustained, probably by a party-line vote. But those who believe that this exercise will shield them from voter cynicism are in for a rude awakening.

In the end, good policy is good politics. Conversely, policymaking with a political objective will ultimately inure to the political benefit of no one.

Mr. CHAFEE. Mr. President, today as the Senate considers whether to approve the conference report of S. 3, I must express my opposition to this measure.

We are debating this bill at a time when public confidence in our electoral system is lower than ever. One principal reason for this erosion in confidence is the perception that special interests exert an undue amount of influence, through political campaign contributions, upon the actions of those in government. Increasingly, the financing of campaigns is being supported not by the voters who reside in a candidate's State or by the political parties, but by outside individuals and organizations.

Another reason for the public's lack of confidence is the perception that we in Congress are more interested in being able to claim credit for solving problems than in actually doing something about them. This conference report will do nothing to address the voters' uneasiness in these areas.

What will it take to restore balance to our system of campaign finance?

Some suggest campaign spending limits and the use of taxpayer subsidies. Spending limits, however, are not a panacea for improving our campaign system. Moreover, while the legislation before us sets a voluntary cap in the range of $950,000 to $5.5 million for Senate candidates—based on a State's voting-age population—and a $600,000 limit for House candidates, it still fails to fully control money spent by outsiders to influence elections. With regard to taxpayer subsidies, given our overwhelming budget deficit and the many areas of dire financial need—such as education and health care—it is difficult to justify the spending of taxpayer money on congressional campaigns.

This conference report would impose arbitrary limits on the amount to be spent by candidates in Federal elections, and would cost taxpayers an estimated $300 million for the 1994 elections alone. It would be a dramatic step in a democracy to thus circumscribe freedom of expression, and indeed a dramatic step in a nation with a staggering budget to consider tax subsidies for campaign expenses.

Perhaps these dramatic steps are worth considering. However, if we do we'd better make sure they will result in a system that treats the House and the Senate equally, that is truly fair and evenhanded in the restrictions it imposes, and that improves competition in election campaigns.

What would the country get in return for these extraordinary steps?

There are three areas I believe we need to examine in order to evaluate this conference report:

First, restrictions and regulations should apply equally to both Houses of Congress. The conference report fails to measure up to this standard.

The Senate-passed bill, for example, contained a universal ban on Political Action Committee [PAC] contributions. This provision received strong support from Republicans and was a central feature of our bill. In the conference, however, the ban on PAC's was eliminated. Under the current proposal, PAC contributions to Senate candidates would be limited to $2,500 per election whereas the present limit of $5,000 would continue to apply to House candidates. This is an inexplicable disparity.

Another shortcoming is the revised prohibition on franked mass-mailings by incumbent candidates. Instead of prohibiting such mailing during the election year for all Members of Congress, the conference report applies this provision to the Senate but fails to apply it to the House. What is the explanation for this inconsistency? For I cannot fathom any difference between a Senate and House franked mass mailing.

Second, it should limit the ability of special interests to influence the actions of those in Government through soft money contributions.

What is soft money? It is money used to influence Federal elections that is raised outside the purview of Federal election regulations. In short, it is money that does not have to be reported.

Again, the conference report does not address this matter in a comprehensive fashion. While it does require money that is solicited, contributed, and spent in a Federal election to meet the requirements of the Federal Election Campaign Act, it does maintain a rather large loophole; namely, while limiting the activities of State and national party committees, it allows special interest soft money—like contributions from labor unions or from corporations—to flow freely into the coffers of incumbents.

Therefore, this bill would place limits on the funding by the two major political parties—Republicans and Democrats—to which a majority of Americans belong. Unfortunately, the bill would not affect the soft money of the powerful special interests groups who make their homes here in Washington pursuing a narrow political agenda that includes maintaining access to and influence on government. How can they do this? Through large soft-money contributions.

Third, it should improve competition in congressional campaigns, in which incumbents currently enjoy a number of advantages which inhibit the ability of challengers to compete. Given inconsistencies in this legislation there is no doubt in my mind that under the provisions of this agreement, incumbents would again win the day at the expense of fair competition.

In the Republican bill there were a number of significant provisions to promote competition: for example, restrictions on gerrymandering, the com-

prehensive ban on PAC's, the ban on election-year franked mass mailings—for both Houses of Congress—and the tighter limit on contributions from individuals who reside outside a candidate's State, bringing the maximum down from $1,000 to $500. These are effective and necessary elements to campaign finance reform. Yet they are not to be found in this conference report.

I am also troubled by the potential cost of the bill. It has been estimated that, when applied to both House and Senate candidates, the Federal funds to be made available by this legislation could total upward of $300 million for the 1994 elections.

At a time when the intractable budget deficit is constraining our spending in a number of worthwhile areas—such as health care, education, and drug treatment—I find it difficult to explain to the taxpayers that we can afford to embark on a new program offering Federal subsidies for congressional candidates, especially to support a system as flawed as the one set forth in this bill.

Proponents of this measure have cited section 902 which calls for "Budget Neutrality." The conference report states that this or any subsequent act "shall not provide for any general revenue increase, reduce expenditures for any existing Federal program, or increase the Federal budget deficit."

That's all well and good if proponents are looking for an answer to the taxpayer's fair and honest question: Are we going to pay for this financing scheme? The conference report provides the following enigmatic and hollow answer: "* * * designating the source of financing is an issue to be decided in subsequent legislation."

The fundamental feature of this measure is taxpayer-financing of congressional races, which will require hundreds of millions of dollars under the proposal we are debating today. Yet this conference report fails to tell us—and fails to tell the American people—how this will be paid for.

It is easy to come up with appealing and popular ways to spend money on new programs like public financing of elections. The difficult part of the equation is deciding how to pay for it. The promise of campaign finance reform contained in this bill thus rings hollow.

Again, we have taken up the Senate's valuable time on a measure that we all know will be vetoed by the President. There is no Member of this body who sincerely believes that this bill will become law. Taking into consideration the way the conference report is crafted, it appears designed more for the purpose of handing an issue to President Bush's opponents than for achieving a truly bipartisan and comprehensive reform package.

Given this pattern into which we have fallen, it comes as no surprise that the American people have expressed their dissatisfaction with Congress and we have seen the tide of anti-incumbent sentiment rise to levels unforeseen.

Campaign finance reform is a perfect example of an issue that must—absolutely must—be dealt with in a bipartisan fashion. When amending the laws that govern our electoral system and affect the balance of power in Congress, we must check politics and partisanship at the door and be guided by principle.

Can we not do better than this?

I am indeed disappointed that again we come together to approve legislation that will meet the same fate as other political gestures fashioned for partisan advantage and guised as real reform. It is my hope that someday soon we will be able to enact a truly bipartisan and evenhanded bill. The American people deserve our best; and unfortunately, with this bill, we give them Congress at its worst: Partisanship, jockeying for advantage in a Presidential election year, empty promises, and the all-too-present political gridlock that has paralyzed our Government.

Mr. RUDMAN. Mr. President, I rise in opposition to the conference report on S. 3, the partisan Democratic campaign finance bill now pending before the Senate.

Let me just start by affirming my belief that the current system of campaign financing is sorely in need of change. Since coming to the Senate nearly 12 years ago, I have advocated campaign finance reform, especially a ban on political action committees. I also tried to set an example in this area, refusing to accept contributions from non-New Hampshire PAC's in both of my Senate campaigns.

I believe that campaign finance reform is one of the most important issues facing Congress today. At a time when the public perceives the level of honor and integrity in this institution to be waning, inaccurately in my view, and the influence of special interests to be excessive, it is our duty to provide campaign finance reform. But it must be real and it must not be partisan. Just as important, it must not cost the American taxpayer.

Regrettably, the bill we are debating today will not offer the American public real reform. Nor will it restore the confidence of the American people. Instead, this bill hoodwinks the people into thinking there will be change. They will not be fooled for long when they see the price tag. They will not be fooled for long when they see that reform created a system which encourages undisclosed campaign spending. We are in difficult economic times. Americans are forced to cut back on their own spending and our country faces massive Federal budget deficits. Yet, this Democratic bill would take millions of dollars from taxpayers and put it into the pockets of congressional candidates, while establishing a system even more favorable to incumbents than what now exists. This is not reform and this is not right.

First, this bill would force the American taxpayers to pay for exorbitant costs for the political activities of candidates. The Congressional Budget Office estimates that this bill will have a biennial cost of $100 million to $150 million, while the Senate Republican Policy Committee estimates the direct biennial cost to the taxpayer at between $182 and $320 million. Whichever is right, and I suspect it is the latter, this is quite a tab to force down the public's throat when we offer them nothing in the way of real reform. My colleague from Kentucky referred to this as food stamps for politicians. I am not sure I agree with that characterization; but, when the people of New Hampshire talk about campaign finance reform, I know they are not volunteering to give political candidates almost $1 billion in every 6-year Senate election cycle.

Parenthetically, the conference report to S. 3 would expand public financing of campaigns at the same time that the existing system for Presidential campaigns is falling apart. Under current law, individual taxpayers can, at no direct cost to themselves, choose to authorize $1 to be pulled from general Federal revenues to be used to finance Presidential campaigns. As a result, every year since 1976, we have had a national referendum of sorts on the issue of the public financing of Federal elections. Only 27.5 percent of the taxpayers chose to support this idea at its inception, and that number has declined ever since. Only 17 percent of all taxpayers, fewer than 1 out of 5, are currently willing to agree to the $1 checkoff even though it does not affect their tax liability. There can be no more graphic evidence of the fact that most Americans oppose public campaign financing. And yet, in the name of saving the public, this bill arrogantly proposes to geometrically increase use of their money for that purpose.

Worse still, the Democratic sponsors of this measure are unwilling to put forward any sort of funding mechanism to pay for this. What programs will be cut? What taxes will they raise? Or, are they proposing to just add to the already record Federal budget deficits and make this country more bankrupt than it already is.

Second, this bill is designed to protect incumbents, and Democratic incumbents in particular. Under S. 3, voluntary spending limits would be established for Senate races, based on a State's voting age population, ranging from $950,000 to $5.5 million for general elections. Supporters of this bill allege that these limits will help to make the system work more fairly for incum-

bents and challengers alike. However, the reality is that these limits will actually hurt challengers and hinder their ability to mount a credible campaign against incumbents.

Long before the election year arrives, incumbents are able to gain an advantage over challengers. By virtue of holding office, incumbents are able to build a support staff, media contracts, and more importantly, name recognition. As a result, the challengers usually find themselves behind the eight ball at the outset of a campaign. These inevitable incumbent advantages can be overcome, but only if challengers are given the opportunity to do so.

Contrary to the impression being fostered by Common Cause and other supporters of this bill, this does not mean that spending by challengers must equal or exceed that of incumbents. It does mean that challengers must be able to spend a certain threshold amount in order to run a competitive race. The spending limits proposed by the Democrats in this bill, should they prove to be enforceable, are so low that challengers will be unable to compete effectively. This of course, suits the Democratic Party, the party with the most incumbents just perfectly.

A few simple facts demonstrate the effects of S. 3's proposed spending limits. In the 1988 Senate elections, 95 percent of the challengers who spent under the limits set out in this bill lost. In 1986, when campaign costs were much lower than they are now, 90 percent of the challengers who spent within the limits lost, while 63 percent of those exceeding the limits won. In my State of New Hampshire, it costs nearly $500,000 for many challengers to get their name recognition up to 40 or 50 percent—just enough to appear credible but not enough to win a race. However, under the conference report, a candidate would only have $950,000 for the general election. If incumbents and challengers are forced to abide by these spending limits, the incumbent will almost always win. The game will be fixed.

This analysis, of course, presumes that limits of this nature are workable. That is by no means clear. Supporters of the conference report constantly cite the Presidential election spending limits in support this bill's spending limits. In fact, that system has failed miserably. Any serious student of Presidential elections knows that millions of dollars above the limits are being filtered into those campaigns from sources that do not legally have to be disclosed. Both parties have exploited loopholes in the law to such an extent that more private than public money was spent on the 1988 Presidential race. The Bush and Dukakis campaigns each raised nearly $50 million which was raised and spent outside the legal limits, and the sources of which did not have to be disclosed.

The pending measure proposes to take the same kind of deceptive system that now exists for Presidential campaigns and extend it to congressional campaigns, misleading the American public into believing private contributions to campaigns have been restricted. It then goes on, in a blatantly partisan fashion, to try to exploit differences in the operation of the two major parties by restricting Republican soft money efforts while leaving similar Democratic efforts unimpeded. The key to understanding this is that the Republicans tend at present to channel all their funds through party coffers, while the Democrats operate through an extensive network of affiliated but technically independent groups, including labor unions.

Soft money, referred to as sewer money by one newspaper, is the type of money which sneaks into the system and turns it rotten. There are no disclosure requirements and no limits on the size of the contributions. It is estimated that over $100 million in soft money is spent in support of congressional campaigns during each election cycle. To limit candidate spending while not touching soft money is to drive more contributions into this hidden, uncontrolled area of political activity. Yet, Republican efforts to regulate these expenditures in an across-the-board fashion are unacceptable to the Democrats who control the Congress.

Instead, the Democratic conference report tries to limit and control party spending while making no effort to control soft money expenditures by labor unions and other tax exempt organizations. It is a crass effort to try to hurt the Republicans and protect the Democrats. It will also, ultimately, have the same effect on campaign spending as a person does when squeezing a ballon—push in one place and the balloon pops out in another.

Worse still, while rejecting meaningful controls on soft money, some supporters of this conference report have engaged in egregious false advertising by invoking the special interest contributions made by Charles Keating in support of this bill. But over 80 percent of the donations made by Charles Keating would be unaffected by the provisions of this bill. Rather than make matters better, this bill will encourage more undisclosed campaign activity and foster more Keating-like problems.

The conference report on S. 3 contains to other major flaws. The ban on political actions committees which passed the Senate has been deleted. The bill continues to allow PAC's to contribute $5,000 each to House races, as under current law, and simply drops the maximum contribution in Senate races to $2,500. In other words, the most significant problem that the public has with the existing campaign finance system, and rightfully so, is essentially unaddressed. The reason for this is simple, but sad. So many Democrat Congressmen, especially in the House of Representatives, are so dependent on PAC's that they are unwilling to agree to get rid of them.

In short, the Democrats have brought a conference report before this body which will cost the taxpayers nearly $1 billion in every 6-year Senate election cycle, leaves PAC's essentially untouched, encourages more unregulated and unrestricted soft money spending, and protects incumbents. This is not campaign reform.

There is one provision worthy of passage and I regret that the Democrats will not agree to address it as a separate measure. It is the provision that gives candidates reduced broadcast rates.

Under S. 3, candidates who comply with the spending limits will be eligible to buy broadcast advertising time at one-half the lowest unit rate, rather than the actual lowest unit rate. This provision recognizes that the cost of television advertising is the single most significant reason for the explosion in campaign spending.

In the Senate today, at least 55 to 70 percent of the cost of a campaign goes toward advertising. Democratic media consultant Frank Greer believes the figure is even higher: "In any competitive campaign, 75 to 80 percent of the budget is going to go into television. There is one overwhelming factor in the growing cost, * * * and that is the increased rates of radio and television advertising."

In my own State of New Hampshire, we must purchase time on Boston television markets to get our message out to the public. The National Journal published statistics in 1990 on the cost of a 30-second commercial spot as measured by cost per rating point [CRP] in prime time. In 1982, the cost per rating point of a 30-second ad in prime time was $350. In 1986, the same ad cost $414, an 18.2-percent increase. More startling still is that in 1990, the cost per rating point has risen to $610, 47.3 percent more than the 1986 price and 74.3 percent over the 1982 cost.

In fact, political candidates have had to pay more for commercial time than any other advertiser. Congress tried to address this problem in 1971 by establishing a broadcast discount for candidates. It was intended to provide candidates the lowest unit rate for advertising during the 45-day period prior to the primary election and 60 days before the general election.

Broadcasters, however, quickly found a way around this rule by establishing different classes of time. The broadcasters now sell time in two forms—preemptible and nonpreemptible. Candidates, who must get their message to specified groups of voters at specific times, must purchase nonpreemptible

or fixed time. This nonpreemptible time is three to five times more expensive than preemptible time. It is sold almost exclusively to political advertisers. Rather than getting a break on advertising, candidates currently pay more than virtually any other advertiser.

A one-half of lowest unit rate provision, along the lines found in this bill, extended to all congressional candidates would alleviate a tremendous financial strain on campaigns, particularly those of underfunded challengers. This more than any other single step, could help make races more competitive. Challengers do not need to be able to outspend incumbents to win races, but they need to be able to buy enough air time to get their message across. Reducing the cost advertising will do that.

This step would affect only a small portion of the three-fourths of 1 percent of broadcasters' revenue that is attributable to political advertising. Moreover, it is important to remember that a television station's revenue is made possible by the Government grant of a scarce public resource: the airwaves.

The Senate could be debating legislation which reduces the political advertising rate in its own right. Such a bill need not provide the right to unlimited advertising at a reduced rate; I am mindful of the concerns expressed by some that reducing the rate would only lead to more advertising, not less spending. I am deeply disappointed we cannot vote on this issue separately.

Mr. President, I would like to see a campaign finance system which the American people can trust and which will not take money from their pockets. This bill costs too much, imposes unrealistic spending limits, keeps incumbents in office, and fails to cure the problem of PAC's and soft money. S. 3 is not reform, and I cannot support it.

Mr. DURENBERGER. Mr. President, I rise today to briefly state my reasons for supporting the campaign finance reform conference report.

A lot of people on this floor are arguing about the problems with this bill, and clearly there are some. But for me, that's like debating which bucket to use to throw water on a burning house.

We have a system that is being destroyed. Public confidence is eroding. Voter turn out is declining. Cynicism with leaders and politics is rising.

We may be able to survive a recession or an S&L debacle, but once we lose faith in our political system as the way to make decisions and solve problems, America is lost. Period.

I'm not voting for a perfect bill. But I sure am voting for progress. I hope the opponents of this bill in both parties, in both Houses and at both ends of Pennsylvania Avenue will stop quibbling and grab a bucket and start fighting the fire before we are all burned.

Nearly a year ago, I voted for final passage of the Senate bill because I believed it has potential to address real concerns expressed by the American people. Today we are considering a conference report on campaign finance reform that is weaker than the bill we passed in May 1991. In addition, the President has promised to veto any campaign finance reform package that contains spending limits, public financing, or different standards for the House and Senate; this conference fails the President's test on all three counts.

I had hoped that the conference committee would have worked to address some of the concerns of the President and gain strong bipartisan support. But we are operating in a highly partisan atmosphere, so I'm not surprised that for one reason or another this matter wasn't resolved.

Although the legislation before us today is a more flawed bill than the legislation we passed last year, I will nonetheless vote to support the conference report.

Campaign finance reform should accomplish four things. First, it should encourage contributions from clean sources and discourage contributions from special interests. Second, it should give a fair shake to challengers. Third, campaign finance reform should control the escalating costs of campaigns. Last, and most difficult to accomplish, campaign finance reform should improve the quality of the substantive debate on issues, so voters can make decisions based on things that really matter.

I believe that the conference report will bring us closer to the first three goals than our current system of campaigns. My basic choice today is not based on whether the conferees did a good job of holding on to the Senate's position—which I don't believe they did—but whether the bill before me now will improve House and Senate campaigns. It will.

First, the conference report encourages contributions from clean sources by requiring that candidates who want to be eligible for benefits raise a threshold amount of individual contributions of $250 or less. House candidates will be eligible to receive a third of the spending limit in matching funds for individual contributions of $200 or less. I am disappointed that further incentives for these sources are not in this conference report—a 25-percent extension of the spending cap or small in-State contributions and a restoration of a tax credit for these contributions I introduced as S. 1075.

The conference report places stricter limits on contributions from special interests. Maximum political action committee [AC] contributions to Senate candidates will be cut from $5,000 to $2,500, with an aggregate limit of 20 percent of the election cycle limit. House candidates will still be able to receive $5,000 from each PAC but will have an aggregate limit of 33 percent of the election cycle limit.

Last year's Senate bill was a much better alternative, eliminating PAC contributions altogether. The conference failed when they restored PAC contributions. But they did eliminate leader's PAC's. That's good. Taking the next logical step to prohibit transfers between candidate campaign committees should have been done. The corner has been turned on reducing the role of PAC's.

The conference report will help challengers by removing some of the unfair advantages of incumbents. PAC contributions, which tend to flow disproportionately toward incumbents, as I have said will be somewhat limited. Senate incumbents will not be able to send franked mass mailings during an election year. Unfortunately, House Members, who have received greater criticism for abusing the franking system, will not be under this restriction.

The conference report helps to level the candidate playing field in other respects, and simultaneously helps to control the skyrocketing costs of campaigns. Candidates who agree to abide by the spending limits will be eligible for low cost mail and lower broadcast vouchers, up to 20 percent of the election limit, to purchase advertising.

I must say I am disappointed that the requirement that these advertisements be from 1 to 5 minutes long was dropped from the conference report. I had hoped the time had come to depose the 30-second ad as the king of congressional campaigns. Under this conference report, candidates will be able to use public funds to purchase 30-second negative ads. That's a shame. However, I am encouraged by the condition that a photograph identifying the candidate and an audio statement that the candidate approved the communication must appear in each campaign advertisement.

I must restate my position that public financing of campaigns is not the panacea that its proponents believe it to be. Experience in my home state of Minnesota, with its public financing system of state campaigns, has suggested that public financing can actually work to he advantage of incumbents and does not necessarily curb the influence of special interests.

I am sobered by the fact that the Senate Watergate Committee in its final report specifically recommended against public financing because of its potential to corrupt the process. And in addition to those shortcomings, I can find very little enthusiasm, even among my constituents who favor campaign finance reform, for using taxpayer funded subsidies to reform the system.

With the exception of the public financing system, my consistent prob-

lem with the conference report is not the direction it goes on these matters, but that it does not go far enough. We must not oversell the virtues of this bill to the American people. It is not sweeping reform. It leaves plenty of room to game the system. It may not change the behavior of candidates in very obvious ways.

But it is progress. The house of this democracy is burning down. This bill will not extinguish the flames, but it will slow the damage.

To do nothing is to accept the fact that damage will continue. I cannot do that.

We have a stewardship responsibility as the temporary occupants of these chairs to pass on a system to our children that is as vital and workable as the one we inherited. This bill, in my judgment, helps serve that purpose.

After almost two decades of failure, we are sending a campaign reform bill to the President's desk. It has been a difficult task to get this far. The distance we still need to travel is very long. But succeeds breeds success. I hope that we will be able to use the debate and disagreements on this legislation constructively, as the foundation for future efforts to reform the system.

Regardless of the vote on this particular piece of legislation today, I encourage my colleagues on both sides of the aisle to put aside partisan differences and sincerely work to restore public faith in the political process, not for own sakes and self-interest, but for those who will live in this house of democracy decades from now.

Mr. GLENN. Mr. President, the Senator from Oklahoma [Mr. BOREN] first brought the necessity of campaign finance reform to the attention of the Senate in 1985. He has continued to lead this effort for many years through all the difficulties. I congratulate him on his work and am pleased to be a cosponsor of this legislation.

In 1985 and 1986 even its consideration was a battle. In 1987, we had a record number of cloture votes to end the filibuster. In 1988, we saw a scene right out of Frank Capra's "Mr. Smith Goes to Washington," an all night filibuster with the Sergeant at Arms arresting absent Senators and bringing them to the Senate chamber. In the 101st Congress, the Senate finally passed a bill only to see it die at the end of the Congress.

In this 102d Congress we have a great opportunity. Both the House and the Senate have agreed to this conference report. Perhaps this is not a perfect bill, but the legislative process has worked its will. The next roadblock to needed reform appears to be a Presidential veto.

This is a major overhaul of the way in which candidates for the U.S. Senate and House of Representatives raise and spend money for election campaigns.

Nothing is more important to our system of representative government than the guarantee of free and fair elections. Many citizens in our Nation feel that the credibility of elections has been eroded by election campaigns whose costs have skyrocketed and whose public purposes are paid by private dollars. I believe that the bill before the Senate brings vast improvement to our current system. It will provide many of the improvements we brought to Presidential elections in the 1970's.

In my early campaigns, less money was raised and spent, political action committees were few, contributions were almost unrestricted, and reporting requirements were all but nonexistent. Today, millions of dollars are raised through direct mail, PAC's, and endless dinners, receptions, and telephone calls.

Once raised, extraordinary amounts of money are spent on consultants, polling, computerized demographic analyses of constituencies, and television advertising.

We all remember the Watergate era that led to the current campaign finance rules. Reform was long overdue at that time. Now, we again confront the question of money in politics. In the 1970's we sought to reduce the impact of special interests by limiting contributions. The rise of PAC's, bundling, and soft money, has seriously eroded the credibility of past reform.

Campaigns are too expensive and fundraising detracts from the main purpose of the campaign. Let's restrict campaign spending through voluntary limits. No meaningful reform can be enacted without limits.

Political action committees [PAC's] play too large a role in campaigns. Let's reduce the role of PAC's.

Soft money and bundling have undermined reporting requirements and allowed large contributions to go unreported. Let's eliminate these loopholes.

Our current campaign finance structure is flawed. It encourages suspicion. It distracts candidates and voters from the issues that are truly important in a campaign.

Mr. President, it is past time to act. Public confidence in our electoral processes has been seriously damaged. Let's correct those shortcomings through the passage of this conference report. I call upon the President to carefully review this legislation and it is my hope that he will have the wisdom to sign this bill into law.

Mr. GRASSLEY. Mr. President, my colleagues earlier mentioned that the American Civil Liberties Union opposes the conference report to S. 3, the so-called campaign reform bill

The ACLU says this bill "will not solve the problems of fairness and financial equity" that proponents of this legislation claim.

Even more interesting is that the ACLU points out that the limits on campaign contributions and expenditures "impinge directly on freedom of speech and association."

This is an important point to understand. Speech is what is really restricted by this legislation, our constitutionally protected right to free speech.

Proponents of S. 3 argue in terms of contributions, money, and runaway spending. But in reality, it is speech, not spending, that is under attack by S. 3.

And if incumbents can pass legislation such as S. 3, that restricts the ability of challengers and their supporters to speak out against the incumbent, what better incumbent protection could you ask for?

The Supreme Court long ago settled this issue in its Buckley versus Valeo decision. The Court stated that "no Government interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by campaign expenditure limitations." The Court also underscored that such restrictions would actually hurt challengers with little name recognition.

Four years ago, Senate Democrats attempted to overturn the Buckley versus Valeo decision through a constitutional amendment. This legislation was understandably nicknamed the "Democrat incumbent protection bill." This legislation would have allowed Congress and the States to virtually prohibit all campaign expenditures. Now that's the ultimate in incumbent protection.

During the 101st Congress, a similar resolution was introduced, but with some modifications. This new version was not quite so draconian because it stipulated restrictions had to be reasonable, whatever that means.

And now, according to the American Civil Liberties Union, S. 3, this campaign reform package presented by the Democrats in both the Senate and House, represents another unconstitutional attack against freedom of speech.

Mr. President, I cannot help but be reminded of the embarrassing moment for this body last Congress when its Members wrapped themselves in the Bill of Rights to fight our efforts to protect the American flag from desecration.

We were told we must not risk tampering with the speech clause to protect the American flag from flag burners. Yet these same Senators thought it was just fine, to tamper with freedom of speech in order to protect their own incumbency, their own reelections.

Is it any wonder Americans are getting sick and tired of Congress? What does it say about values and integrity? How out of touch has Congress become? Is it that difficult to understand? Where are our priorities? It is as simple as this:

If freedom of speech should be restricted at all, should it be to protect the American flag? Or to protect political incumbents?

Should it be to prohibit the physical burning of the flag, or the verbal burning of politicians?

Mr. President, I hope our colleagues who opposed a constitutional amendment to protect America's flag, do not make the mistake of supporting S. 3, which will protect incumbents, by unconstitutionally restricting speech.

During the debate last Congress over protecting the flag, I raised this question about this self-serving, double standard.

At least one outspoken opponent to our flag efforts was shook up enough to withdraw his cosponsorship to Senate Joint Resolution 48, which amended the Constitution to protect incumbents.

Today, others should be so moved as well, and should vote against S. 3.

Mr. President, if you cut off spending, you cut off speech. It takes money to deliver your message through print and broadcast media. It takes money to pay for political travel to speak with voters. And if you cut that spending off, the one hurt most is the challenger who has no established name recognition and who has no adequate forum to express and disseminate the challenger's views.

Mr. President, the problems with taxpayer funding of campaigns should be equally obvious to this body. Our budget deficit could reach $400 billion this year. Our national debt is at $4 trillion. Voluntary taxpayer contributions to the Presidential election fund is dropping off.

Yet proponents of S. 3 expect us to believe Americans want to be forced to spend hundreds of millions of their tax dollars to assure the reelect of incumbent politicians. Amazing!

Mr. President, campaign reform may be warranted, but it should be a product of bipartisan support. It should not be a product, such as S. 3, which provides incumbent protection for the political party that has exercised a virtual lock on control of Congress for the most part of four decades.

Mr. McCAIN. Mr. President, it is with serious reservations that I am today supporting the conference report on S. 3, the Congressional Campaign Spending Limit and Election Reform Act of 1992.

Since coming to Congress, I have consistently called for institutional and campaign reform. The Congress is out of touch with the American people. The Congress' insistence on the status quo, and blatant disregard for public opinion—such as when it voted itself a payraise—is evidence that something must be done.

Our constituents have justifiably grown angry.

I share the public's frustration. I have again and again sought to bring reform to this institution. Unfortunately, institutional zealots and inside-the-beltway, entrenched politicians have put self-interest ahead of the public good.

Mr. President, I am here to once again clearly state that the public will not long tolerate an imperial Congress.

I am supporting the Campaign Spending Limit and Election Reform Act of 1992 conference report, not because it is the best bill the Congress could pass—it is far from it—but because it is the only bill before us.

Mr. President, the bill before us does have many laudable features. First, and most importantly, the bill seeks to curb the money chase. It is unfortunate, but the focus of modern campaigns has shifted from issues to fundraising. This change has served neither the public nor the candidates themselves.

Candidates for the Senate now on the average must raise $15,000 per week, each week, for 6 years in order to fund a viable campaign. This must be ended, and this bill makes great steps in that direction.

The conference report contains voluntary spending limits which will do much to end the excessive search for campaign funds. These spending limits will also serve to lessen the influence of big-money contributors and special interests.

The spending limits and benefits system in the bill also does much to level the playing field for challengers. Currently, incumbents receive the vast majority of special interest PAC money. This bill will limit the amount of money any PAC can give to a Senate candidate. Additionally, the spending limits prevent incumbents from amassing huge campaign warchests that enable them to outspend challengers by excessive, and often unfair, amounts.

Further, the conference report ends the practice known as bundling. Many special interest groups has continually engaged in this abuse of the campaign system. I am very pleased that the conference report bans this objectionable practice.

The bill also mandates candidate debates and forces candidates themselves, not actors, to appear in any negative television advertising they may broadcast.

However, Mr. President, this conference report is also severely flawed.

First, the conferees, of which I was not one, blatantly disregarded the President's counsel and agreed to one set of rules for the Senate, and a completely different set for the House. This action has for all practical purposes ensured that the bill will be vetoed. Anyone interested in passing a bill into law would have sought to work toward a compromise on this issue.

Second, the bill the Senate originally passed called for a complete ban on political action committees [PAC's]. I support such a ban. However, the conferees disregarded the Senate ban and merely readjusted the PAC limit for the Senate. The bill maintains the status quo for the House of Representatives.

Third, the bill does little or nothing to ban soft, or sewer money in political campaigns. Sewer money is corrupting the campaign system. The bill before us limits the soft money that political parties can contribute to any given campaign, but in a purely political move, ignores union labor soft money.

Fourth, I believe that any real campaign reform must codify the Beck decision. It is a violation of the civil liberties of union and nonunion members alike when forced union dues are used in the political system. I will be working to ensure that the Senate does at a later time, codify into law the Beck decision.

Mr. President, the public is demanding real reform. It will soon see through the facade of reform that is before us in this conference report.

To be fair, the conference report does seek to curb the money chase and limit excessive campaign spending. It is a step in the right direction. However, as I have said, more, much more, must be done before this bill lives up to its title.

For example, during Senate consideration of S. 3, I offered an amendment to prohibit the rollover of huge incumbent campaign warchests. Incumbents have traditionally used left over money from one campaign to the next, usually using it to dissuade and intimidate potential challengers. My amendment would have required that at the end of each election, all leftover funds would either have to be returned to contributors or turned over to the Treasury to relieve the deficit. My amendment would have ensured a much more level playing field between challengers and incumbents in Federal elections.

If my colleagues had truly wanted to pass reform, they would have supported my amendment. However, on a mostly party line vote, my amendment was defeated.

Mr. President, I will not end my crusade for full reform. I have promised my constituents that I will again and again, as long as it takes, make the Senate address the issues of true, comprehensive reform. We are a Congress of the people, not above the people. We should act as such.

Mr. BINGAMAN. Mr. President, in this debate on the conference report on campaign finance reform, it is important to cut through the knot of rhetoric and complicated reform schemes to the central question: what is the fundamental problem we're trying to fix?

As one who has run two Senate campaigns, first as a challenger and second as an incumbent, I believe the problem is clear and simple. The skyrocketing

cost of Senate campaigns—$2.8 million spent on average for major party candidates in 1988, which is 2½ times what it was in 1980 and more than 5 times what it was during the mid 1970's—has made running for office just too expensive. It's too expensive for the candidate. And, more importantly, it's too expensive for the citizens, voters and taxpayers of this Nation. The costs everywhere are enormous.

First, it's too expensive in the time required of our elected officials for a seemingly endless array of fundraising activities. As the expected cost of an election campaign soars, office holders are forced to divert more and more of their time, energy and worry from attending to crucial public-policy problems to raising more and more money for their campaign coffers.

When you have to raise an average of $1800 a day, every day for 6 years for your next reelection battle, you are not spending the time you should, listening to your constituents, studying the dimensions of the challenges facing the Nation, working out with your colleagues the details of legislation which produces real solutions to real problems.

Second, the current system is too expensive in the perceived loss of integrity of our elected officials, of the Senate itself. Under the current system of ever more costly campaigns, candidates are forced to accept more and more money from wealthy individuals, networks of powerful business figures and special-interest lobbies. With each $1,000 increase in the expected cost of a campaign, it becomes harder and harder to turn down a proposed contribution. This is an unfortunate fact of life, but it doesn't have to be this way. We do have a choice.

I am a strong supporter of the conference report because it addresses this very serious problem head-on. The bill attempts to limit overall campaign spending to $950,000 in smaller States, such as my home State of New Mexico, and up to $5.5 million in California—levels clearly below what would otherwise prevail.

A limit on overall spending cuts to the very heart of the problem we face. It is the key ingredient, in my view, to any serious reform proposal. It would create fair and competitive races between the two major parties in every race across the country.

Unfortunately, the implementation of spending limits has been complicated by the Supreme Court decision in Buckley versus Valeo. This case, from 1976, says that the free-speech clause of the Constitution requires that no individual candidate be forced to stop spending at a certain dollar amount. The conference report, in an attempt to balance free-speech considerations with the need for spending limits, addresses this complication in both a creative and constructive way.

The bill says that if a candidate agrees voluntarily to the specified spending limits, he or she is entitled to several benefits. First, a candidate who agrees to the spending limits will be entitled to reduced mailing and broadcast rates, and to receive vouchers equivalent to 20 percent of the spending limit for prime-time television advertising. This incentive is coupled with the requirement that at the end of the candidate's TV ads, the candidate must appear on the screen to take responsibility for the ad. This encourages substantive ads, not the negative, 30-second hit and run ads that now bombard our airwaves.

Second, public funding would be made available if an opposing candidate exceeds the spending limits. This provision is clearly designed to provide the necessary incentive for candidates to abide by the spending limits that we need.

Finally, the conference report contains severe restrictions on political action committees, or PAC's. It limits contributions from PAC's to 20 percent of the spending limits, and it cuts the maximum PAC contribution by 50 percent to $2,500. The conference report also encourages small, in-State contributions from individuals by requiring that no less than 10 percent of the spending limit come from home-State voters that are $100 or less.

The conference report also contains other provisions that address past and continuing abuses of our campaign finance system:

Restrictions on and full disclosure regarding the raising and use of soft money by the political parties;

The prohibition of bundling, a practice by which parties channel bundles of supposed individual contributions to their candidates nationwide; and

Solutions to so-called independent expenditures from out-of-State special interest groups, which in effect can destroy any campaign spending limit arrangement. Candidates in smaller states are particularly vulnerable to such practices.

These are all good provisions, and they dovetail to achieve one objective—to stop the skyrocketing spending that now mars the campaign process in the Senate.

By adopting spending limits, the Senate would send a clear message that we intend to level the playing field. The spending limits under the conference report are high enough to allow challengers to mount effective campaigns, while keeping either side from gaining an unacceptable advantage. I also believe that spending limits would work to encourage challengers, who so often are scared off by the natural advantage that incumbency gives to office holders when it comes to raising money.

Achieving our objective of reining in the unacceptable cost of running our office would return our elected leaders to minding the business of governing—the work we send them to Washington to do. And it will reinforce to them the idea that the only people they need depend on are not the wealthy, or the powerful, or the special interests, but rather the citizens, the voters and the taxpayers they were elected to serve. This is why the vast majority of Americans support such spending limits. We can no longer afford to have it any other way. It's just too expensive.

In conclusion, Mr. President, I note that we have heard a lot recently about what is wrong with the Congress of the United States. And a lot of attention has been paid to the so-called House banking scandal. But I believe that if we were to identify the single most important obstacle to improving the responsiveness and the effectiveness of the Congress, it would be the way in which we finance campaigns. And while the conference report before is not a perfect bill or a final solution—no bill ever is—it is the one real, concrete proposal for action which will in fact cause drastic change in the way Congress will work for years to come.

Therefore, the choice today is as follows. Are you committed to fundamental change in the way which Congress works? Or, are you for the status quo in the Congress? If you are committed to change, you have no alternative but to vote for this conference report. If you are not committed to change, if you are satisfied with the status quo, vote "no."

But if you vote "no," I for one do not want to hear any more rhetoric bemoaning the need to reform Congress, lamentations about the inability of Congress to be effective, or the further wringing of hands and gnashing of teeth about Congress' becoming an obstacle to progress. This is our one, real, concrete chance to take action for fundamental change for Congress. I will take this chance. To those who choose not to take it, spare us in the future all those heart-felt speeches about how we could cut the budget, if only Congress could act; or about how we could provide affordable health care for every American, if only Congress could act; or about how we could turn this economy around, if only Congress could act. This is our chance to act for change in Congress—now.

I urge my colleagues to vote for this conference report—to vote for the change which will reinvigorate our democracy.

The PRESIDING OFFICER. All time has expired.

Mr. BOREN. Mr. President, I ask unanimous consent that I might be allowed to proceed for 1 minute without it counting against the time remaining for the two leaders on the bill.

The PRESIDING OFFICER. Is it the Senator's intention to push back the vote from 3:30 p.m.?

Mr. BOREN. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, it may not take as long as 1 minute. This has been an effort that has gone on for a number of years going back to the time that Senator Goldwater and I first introduced a bill to try to limit the influence of PAC's on the political process almost 10 years ago, and this legislation which now seeks to limit total campaign spending in the amount of money coming into campaigns.

THANKS TO THE STAFF

I especially want to thank those staff members, both present members of the staff and former members of the staff, on this side of the aisle who have contributed to this effort over time on our side. And my own office staff, Greg Kubiak and John Deeken have both played roles over the years in helping to research the need for this legislation; Dan Webber and also Joe Harroz, current members of my staff.

From the majority leader's office, Bobby Rozen has been active not only in helping to draft this legislation this year, but in prior years as well.

From Senator FORD's staff, personal staff and the Rules Committee staff, including Jim King, Jack Sousa, and Tom Zoeller, all deserve special mention for the effort which they have made in helping to craft this particular piece of legislation, and in assisting us in preparing it and assisting us also on the Senate side in the conference negotiations.

So I simply want to express my appreciation as manager on this side to those members of the staff who have given us invaluable assistance on this measure.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent for 1 minute for the same purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that some documents on this issue be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT ON S. 3—NOT LEGISLATIVE HISTORY

A year ago, Senate Democrats pushed through S. 3, legislation to impose mandatory spending limits and forced taxpayer financing of congressional campaigns. They fended off amendments requiring public reporting of special interest soft money and disclosure of taxpayer-funded broadcast ads. The House passed a markedly different bill just before adjourning last year.

Early this year, House and Senate Democrats began meeting by themselves to craft a Conference Report. The Conference on S. 3, which the House has approved and the Senate will vote on this week, is entirely a Democratic product. More importantly, the Conference Report on S. 3 is completely different from the bill passed by the Senate last year, in the following ways:

THE PACS ARE BACK

After belatedly adopting the Republican PAC ban in S. 3, the Democrats reversed themselves in conference, adopted a slightly lower PAC contribution limit ($2,500 in Senate races), and left the House untouched except for the comfortably high aggregate limits.

PSEUDO-SPENDING LIMITS

The presidential system illustrates the folly of spending limits: presidential spending far outpaces spending in "unlimited" congressional races, while fat cats and special interests openly circumvent the limits through endless loopholes. Yet even if you believe in spending limits, the Conference Report contains only pseudo-limits. This legislation has the loopholes built-in, like unlimited compliance costs in House races, through which you could drive a truck full of lawyers and CPAs.

BALKANIZED REFORMS

The Report haphazardly sets different rules for the House and Senate, like conflicting PAC limits, franked mail rules, taxpayer financing mechanisms, and exemptions from spending limits—without any rationale. The Report drops an amendment to S. 3 requiring identical PAC limits for House and Senate.

VETO-BAITING

Democratic conferees have loaded up the Report at the last minute with provisions attacking administration "perks", all outside the scope of conference. Presumably, the purpose is to ensure a veto at all costs in order to score political points and prevent this disastrous bill from becoming law.

SOFT-MONEY SOFT-SHOE

Pretending to ban "soft money", the Conference Report instead throttles political party activity in federal elections, including voter registration and turnout. As Washington Post columnist David Broder argues, parties are "the only institutions in America that have an interest in electing non-incumbents". Yet the Report does absolutely nothing about special interest soft money. A phone bank run by your campaign or the party would face draconian limits; but the labor-operated phone bank next door would go scot-free.

BUT SOME THINGS NEVER CHANGE

Despite overwhelming public opposition, taxpayer financing is still in the Conference Report. PACs are back; special interest soft money is above the law; and spending limits have been replaced with spending sieves—which filter out the non-corrupting sources of Republican support, like small private donations, and protect the invidiously corrupting sources of Democratic support, like labor soft money and beltway PACs.

The S. 3 Conference Report is like closing the House bank just for Republicans, but keeping it open for Democrats. Compare the Democrats' Conference Report to the "old" S. 3 and to the Republican alternative bill, and vote "yes" for reform—by voting "no" on the Democrats' anti-reform Conference Report.

[From the Christian Science Monitor, Feb. 25, 1992]

PUBLIC FUNDING—A FAILED REFORM

(By Eugene McCarthy and Mitch McConnell)

The First Amendment to the Constitution, which guarantees Americans the right of free speech, was the most important electoral reform ever enacted.

So why, two centuries later, is the United States government bribing people to give up this right through the Presidential Election Campaign Fund?

And why are candidates who refuse to participate in this billion-dollar boomdoggle being discriminated against, excluded from debates, and kept off state ballots?

Our answers could fill a book. They point to two conclusions concerning the Presidential Election Campaign Fund: (1) it should not be used as a measure of political viability; and (2) it should be abolished.

The Presidential Election Campaign Fund was created by the Federal Election Campaign Act of 1974 (FECA). This law, passed in the "reform-mania" that gripped Congress in the wake of the Watergate scandal, advanced two key changes in the country's electoral system: public financing and mandatory limits on campaign spending.

The US Supreme Court in the landmark 1976 *Buckley* v. *Valeo* decision, struck down the mandatory spending limits as an unconstitutional restriction on free speech. The high court ruled that the only constitutional way for the federal government to limit speech was to, in effect, bribe people to limit their speech voluntarily.

If Congress wanted to limit campaign spending it was going to have to use taxpayers' money, through public financing of campaigns, to do it. And so the court allowed the Presidential Election Campaign Fund to stand as a means of enticing candidates into accepting voluntary spending limits.

Since 1976, the Presidential Election Campaign Fund has provided presidential candidates grants drawn on the US Treasury to pay for their campaigns. In return for this generous public subsidy, candidates must agree to limit their campaign spending to an amount prescribed by the government.

The subsidy is so generous that most major candidates cannot afford to refuse it. The two major candidates in the 1992 general election each will receive grants of $55 million. Only two major candidates, not wanting to use taxpayers' money for their campaigns, have declined: John Connally in 1980 and Eugene McCarthy in 1992.

A reformer's dream when it was enacted, the Presidential Election Campaign Fund has become the taxpayers' nightmare. The fund props up a failed system of spending limits, in which special interest soft money (off-the-books, unregulated, and unlimited) flows through innumerable loopholes by the hundreds of millions of dollars.

Further, the fund has devoured half a billion taxpayer dollars that could have been put to infinitely more worthwhile uses. And taxpayers have been forced to financially support the causes of candidates they otherwise would not support.

Not only are participating candidates being bribed to restrict their First Amendment freedoms, but even those candidates who refuse this bribe on principle are finding their rights infringed by this fund. That is what is happening to the McCarthy '92 presidential campaign.

The Presidential Election Campaign Fund is now being used to gauge whether a candidacy is serious. The national media are using it to determine which candidates merit being seen, heard, or written about.

The fund is also used by some states to determine whether a candidate will be placed on the ballot in primary elections.

In other words, if a candidate refuses to sign up for the fund, or is not "generally recognized in the national news media" (often two sides of the same coin), then that can-

didate can be denied the right even to run. Such a candidate is subject to exclusion from some state primary election ballots and is not invited to appear or participate in media-sponsored "candidate debates."

It is absurd—if not unconstitutional—to punish candidates for turning down taxpayer funds to pay for their campaigns. The Presidential Election Campaign Fund should not even exist, let alone be used as a political credibility barometer.

[From the Wall Street Journal, Feb. 5, 1992]

TAXPAYER-FUNDED CULT

You may never have heard of Lenora B. Fulani, the presidential candidate of the New Alliance Party, but your tax dollars are paying for her anti-Jewish and pro-Libyan campaign. So far Ms. Fulani's tiny party has collected checks totaling $763,928 in federal matching funds. The story of the New Alliance Party is a cautionary tale for those who think public financing of elections would invigorate U.S. politics. More likely, it would only make it fringier.

The New Alliance Party's windfall comes from a federal law that requires the government to match dollar-for-dollar up to $250 of contributions to any presidential candidate who can raise $5,000 in each of 20 states. This isn't the first time the NAP has cashed in on the ability of its fanatical followers to raise money door-to-door. In 1988, Ms. Fulani collected nearly $900,000 in federal matching funds.

The New Alliance Party was founded by Fred Newman, a former philosophy professor, who in 1974 joined the conspiracy-obsessed party of Lyndon LaRouche. Mr. Newman broke with LaRouche to form the New Alliance Party. Mr. Newman's 15 "therapy centers" teach that every person is dominated by "a dictatorship of the bourgeois ego" that must be overthrown in a personal revolution so as to liberate the proletarian ego. Patients at the therapy centers often become devoted workers in the New Alliance Party.

At a 1988 event Ms. Fulani accused Israel of "genocidal policies" and ripped off portions of an Israeli flag. Mr. Newman has said Jews have "sold their souls to the devil—international capitalism." In 1987, the Libyans paid for Ms. Fulani and other NAP members to go to Libya and protest "genocidal U.S. bombing" of that country. At the same time NAP members held a pro-Libyan rally in front of the White House.

We seem to be living through a time that breeds groups of people who have marginalized themselves well beyond the norms of American-political and cultural life. While it is in the U.S. tradition to give them a wide berth, it is by no means clear that taxpayers should have to pay for their political campaigns. Mr. LaRouche's many campaigns for President were also lavishly funded by the federal government until his fraud conviction. No one doubts that David Duke, whose campaigns for office are his livelihood, will soon successfully apply for federal matching funds.

The closest thing the U.S. has to a nationwide referendum on public financing of campaigns comes when Americans check a box on their tax form that asks if they want $1 of their taxes to go to a presidential election fund. Even though it's made clear no one's taxes will go up, the results are overwhelming. Every year the number willing to use tax dollars to bankroll political candidates declines; last year only 21 percent agreed. Despite all this, the Federal Election Commission last month decided to spend $120,000 to hire a PR agency to urge people to send $1 to the same fund from which Ms. Fulani's subsidies flow.

Election reforms are certainly needed to restore competition in politics. It would help if we scrapped the $1,000 limit on individual contributions imposed in 1974, or at least raised it to $3,500 to account for inflation since then. Term limits would bring new blood to politics. Offering voters a None of the Above option on the ballot would make many routine elections more meaningful. But outside the Beltway, almost no one believes the public-financing schemes being debated in Congress are any solution.

[From the Washington Post, May 16, 1991]

ELECTION REFORM THAT FETTERS FREE SPEECH

(By Mitch McConnell)

There are plenty of good reasons to be against S. 3, the huge campaign finance bill lumbering through the Senate: It's a politicians' entitlement program, it's rigged for incumbents, and experts say it won't do anything to reduce campaign spending or special interest influences.

But the most serious reason for opposing S. 3 is that this bill is the most aggressive attack on free speech since the Alien and Sedition laws. Even if the bill limps through both houses and survives an expected presidential veto, it will be pronounced DOA on the steps of the Supreme Court.

S. 3 enforces spending limits in Senate election campaigns by imposing Draconian penalties on anyone who refuses to comply. This runs headlong into the Supreme Court case Buckley v. Valeo, which held that spending limits are essentially a limit on speech and therefore cannot be coerced.

The Buckley decision did allow Congress to offer candidates public money as an incentive to limit spending—provided that the system was completely voluntary. That is how presidential elections work: Candidates may forgo the subsidy (John Connally did in 1980), but they are not punished for ignoring the limits.

S. 3 is completely different: Nonparticipating candidates not only forgo public financing, but they also lose a valuable discount rate for their TV ads. And if they exceed the spending limit—even by $1—they trigger an avalanche of public money for their opponents. In a perverse twist on Buckley, S. 3 makes spending limits the "deal you can't refuse," using public money and other benefits to bludgeon candidates into submission.

S. 3's constitutional problems don't stop there. The bill gives candidates cold cash to battle "independent expenditures," efforts by private citizens to affect an election. Thus, David Duke could get millions of tax dollars to combat efforts against him by the NAACP and B'nai B'rith. In effect, S. 3 uses the power of the public purse to overwhelm private political speech.

The bill also discriminates against citizens who want to support candidates in other states. This ignores the fact that members of Congress are national figures. Many members, because of committee post or personal crusade, are leaders on issues of national significant. To draw state lines around the right to support candidates is to restrict every citizen's right—as an American—to participate in national issues and ideas. It is simply inane that KKK member in David Duke's home state should have more right to contribute to him than an out-of-state civil rights worker would have to help his opponent.

It is also unconstitutional. The Buckley court found only one acceptable reason to restrict contributions: to prevent the appearance or reality of corruption. There is nothing about out-of-state money that makes it more corrupting than in-state money. If the Keating Five scandal taught us anything, it is that when a contribution has some connection to the state, even the most blatant quid pro quo can be justified as "constituent service."

Finally, S. 3 gets downright nasty in regulating political advertising. The bill forces all nonparticipating candidates to declare in their ads: "This candidate has not agreed to abide by the spending limits * * * set forth in the Federal Election Campaign Act." This disclaimer clearly is designed to embarrass such candidates, and implies that they are scofflaws when their only "crime" is the full exercise of their First Amendment freedoms.

Like the McCarthy era's "loyalty oaths," S. 3's degrading disclaimer would be struck down by the Supreme Court as an impermissible speech content requirement.

S. 3 has as much chance of surviving the Supreme Court as Saddam Hussein would have at an Army-Navy game. Before it gets that far, however, Congress should act responsibly regarding the bill's unconstitutionality. Members of Congress swear to uphold and protect the Constitution. If a bill's unconstitutionally is firmly established under legal precedents, as it is with S. 3, then it is the duty of every member to stand by the principles they have sworn to protect.

Advocates of a flag-burning ban went to extreme lengths to ensure its constitutionality, checking with legal scholars and adding language to require expedited Supreme Court review. No such efforts have been made regarding S. 3. So before this bill is passed out of the Senate, I will offer an amendment requiring expedited Supreme Court review of any constitutional challenge to it.

Congress should take special precautions with S. 3 precisely because it is not just another flag-burning bill that restricts the trivial right to torch Old Glory. S. 3 is a neutron bomb of a bill, aimed at the heart of political participation in America. By forcibly limiting campaign spending, S. 3 squeezes out small donors and handicaps challengers with broad support. If it ever became law, this bill would noticeably shrink very American's right to be involved in politics.

The most revolutionary election reform ever enacted in this country was the First Amendment. The core of that reform was the ideal of unlimited, unfettered, unregulated speech. It would be a tragic irony to compromise that ideal in the name of election reform.

[From the Washington Post, June 5, 1991]

POWER TO THE PARTIES

(By David S. Broder)

Perhaps because he came to office as an unelected president, perhaps because he had been so close for so many years in Congress to his own western Michigan constituents, Gerald Ford worried even more than most politicians about staying in touch with grass-roots America.

The secretary of health, education and welfare in his administration, former University of Alabama president David Matthews, shared Ford's understanding of the importance of being connected to Main Street thinking. As president of the Kettering Foundation, he has kept his focus on the damaged links between the governed and those governing in this republic.

The foundation has just published the latest and most important in a series of reports

on that topic, called "Citizens and Politics: A View From Main Street America." It is so right on so many fundamental matters that its silence on one vital topic is all the more astounding.

The body of the report is a summary and analysis of 10 focus groups, with cross-sections of people, held in scattered cities across the nation. Six were held in the middle of last year; four others, this spring. But the Harwood Group, which conducted the sessions, found no significant shift from prewar to postwar attitudes on politics.

In both time periods, and in all 10 sessions, those interviewed expressed a disdain and distrust for politics so deep that Mathews is well-justified in saying that "the legitimacy of our political institutions is more at issue than our leaders imagine."

That view is amply confirmed by the experiences I have had in the last five years when interviewing voters for The Post. Those interviews also bear out two other points emphasized in this report that contradict some of the conventional wisdom.

First, the problem is not voter apathy—but frustration. Citizens "argue that politics has been taken away from them—that they have been pushed out of the political process. They want to participate, but they believe there is no room for them," the report says.

Second, fears that this generation of Americans has become selfish, self-centered and devoid of concern for community and country are unfounded. On the contrary, millions of people are actively involved in neighborhood or community efforts. These require political skills (organizing, agenda-setting, negotiating), but they sharply separate them from the politics they despise. At the level at which they are personally involved, they see a possibility of change and accomplishment. Politics—which to them means mostly national and state government—is beyond their influence and, therefore, they believe, beyond redemption.

"Politics," said a Los Angeles woman, "is rules, laws, policies. This has nothing to do with why I am involved in my community."

All that, from my experience, is on target and has important implications. It means, among other things, that good-government reforms like public financing of campaigns or a ban on politicians' honoraria address only symptoms, not causes, of public disillusionment.

The root cause is that people have lost their belief that as individuals they can influence the distant decision-makers in Washington or the state capital. "They believe they have been squeezed out," the report said, and the system they should control has been usurped by "politicians, powerful lobbyists and the media," who communicate and negotiate with each other but ignore the concerns the citizens want addressed.

The report suggests a variety of ways that the shattered connection between citizens and governments might be rebuilt. But, astonishingly, its analysis does not even mention that in the last 40 years, we have seen the steady decline of the political party organizations that once functioned as the links between local citizens and governments at all levels.

Do elected officials no longer hear or heed what citizens think? It is largely because the political networks, from precinct captains to county and state chairmen, that once carried those messages, no longer exist.

Do interest groups and political action committees now dominate the governmental process? It is largely because aspiring candidates and elected officials no longer can look to their parties for financial and grass-roots organizational support.

Do the mass media now play an exaggerated role in promoting or crippling political careers and in setting the issues agenda? It is largely because communication moves almost exclusively through the media, not up and down the party networks from precincts to Capitol Hill and the White House.

Disillusioned citizens are right in thinking that individuals are nearly powerless in a mass society's politics. This report tells us, sadly, that they have entirely forgotten that parties existed to inform, to mobilize and to empower them—the very thing they want but no longer know how to get.

The report correctly emphasizes that American democracy can only be rebuilt from the bottom up. Now someone needs to remind people that we don't need to invent a solution. We need only to remember what it was like when Republican and Democratic precinct captains worked and organized neighborhoods across America.

[From the Washington Post, Feb. 13, 1992]

IN DEFENSE OF "SOFT MONEY"

(By James J. Brady and Joseph E. Sandler)

Strengthening the role of state and local political parties is one of the best antidotes to the special interest, big money, big media politics that has poisoned our democracy. State parties have to forge candidates of different backgrounds and ideologies into a winning ticket, forcing them to find common ground, to articulate broad themes that resonate with the greater public good. Because the benefit of money contributed to state parties is diffused among many candidates, such contributions are generally useless for "buying influence" over particular elected officials.

And little if any state and local party money goes to expensive negative media campaigns. Rather it is used for grass-roots volunteer activity that involves ordinary people in politics on a continuing basis. Such activity gives people a chance to make a difference in the political process and thereby helps combat the widespread alienation from and cynicism about politics that currently plague our system.

How ironic, then, that in the name of reform, proposals have been advanced that would severely weaken, if not destroy, state and local party organizations. The target of these proposals is so-called "soft money."

Perhaps no political term is more often misused or misunderstood than "soft money." At bottom, "soft money" is nothing more than money contributed to political parties subject to regulation by state law, rather than federal law. When a state sponsors activity that benefits both federal and state or local candidates—for example, a telephone bank or brochure that promotes the party's candidates both for governor and for U.S. Senate—part has to be paid with state-regulated funds and part with federally regulated funds. Makes sense, right?

Not according to the would-be reformers. They claim that, where state laws permit large individual or corporate contributions, the state-regulated portion has turned into a giant loophole for contributions by the wealthy—allowing them to put huge sums of money into the electoral process to try to win the favor of federal candidates. And they are particularly galled that this appears to take place in presidential elections, which are supposed to be publicly financed.

This horror story has become, through repetition, a virtual catechism among some reform groups and their supporters in the press. But it bears only the slightest resemblance to the truth.

First, much "soft money" is used to pay a portion of the normal operating expenses of state and local parties, which, after all, have to stay in business year-round, every year, election or no election. This kind of "soft money" is the lifeblood of state and local parties; there are few alternatives.

Should we be concerned about the use of large individual, union or corporate contributions for this purpose? Not at all. In real life, corporate lobbyists don't try to influence federal legislation by paying the electric bill for the local county Democratic Party—not when their PACs can simply give $10,000 a pop to members of powerful congressional committees.

Second, most "soft" (i.e., state-regulated) money really is raised and spent to help elect state and local candidates. Much of the benefit from party-wide activity goes to the bottom of the ticket, where candidate identification is lowest and party identification matters the most. Handing out a paper ballot at the polls really doesn't influence many votes for president in the wake of a $50 million media campaign—but it influences a lot of voters for sheriff. Thus the justification for federal limits on "soft money"—that it affects and corrupts the presidential race—is largely nonsense.

Third, these state and local races really do matter to state and local parties, contrary to the myopic Washington-oriented perspective of some of the reformers. At stake in the 1992 elections will be 12 governorships, nearly 6,000 state legislative positions and tens of thousands of local offices. These officials are on the front line in confronting the problems of jobs, education, health care and the environment. Their election campaigns are not mere "excuses" to spend money for congressional or presidential candidates. It should be up to the state—not Congress—to decide the role of state parties in the financing of campaigns of these states and local officials.

Finally, the critics who say that only public funds should be spent in presidential election campaigns misunderstand the way the current law works. National parties can spend only federally regulated funds to help the presidential campaign, subject to strict spending caps. State parties can also sponsor certain grass-roots activity on behalf of the presidential candidate—using only federally regulated funds, or a mix of state and federal funds if state candidates are also benefited.

It is through this privately funded, party-sponsored activity that ordinary citizens and volunteers can still play a role in presidential campaigns. If we eliminate that role, we will be left with only an expensive (and mostly negative) media extravaganza—a battle of the big gurus. That's supposedly just what the reformers want to avoid.

If the reformers want to improve politics in America, they should be looking for ways to strengthen state and local political parties, not tear them down. It's time to bring the "soft money" debate back to reality.

James J. Brady is chairman of the Louisiana Democratic Party and president of the Association of State Democratic Chairs. Joseph E. Sandler is counsel to the association.

[From the Washington Post, Dec. 1, 1991]

WE NEED LOUD, MEAN CAMPAIGNS

(By Samuel L. Popkin)

If the David Duke campaign had any enduring message for America, it was this: Competing with demagogues is expensive. Officeseekers who wish to sell a complicated message to an increasingly diffuse electorate must outspend their brassier opponents.

Only a "cheap" message can get through in a "cheap" campaign. It takes more time and money to communicate about complicated issues of governance than to communicate about race. Yet critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.

The fact is, our campaigns aren't broken, and don't need that kind of fixing. Voters are not passive victims of mass-media manipulators, and it is dangerous to assume that low-key "politically correct" campaigns would somehow eliminate the power of the visceral image. Restricting television news to the MacNeil/Lehrer format—and requiring all the candidates to model their speeches on the Lincoln-Douglas debates—won't solve America's problems.

David Duke, loathsome and frightening though he may be, is neither an argument that campaigns don't work nor that campaign advertising should be restricted. In fact, Louisiana voters knew all about Duke's past and his associations with racist and antisemitic causes; Duke was able to communicate his message just as effectively—perhaps more effectively—in interviews and debates.

Reformers say they want to turn down the volume, discuss more important issues and turn out more voters—worthy goals, but also contradictory. Decorous campaigns will not raise more important issues. Neither will they mobilize more voters nor overcome offstage mutterings about race and other social issues. It was not worthiness and refinement that got 80 percent of Louisiana's voters to turn out.

If government is going to be able to solve our problems, we need bigger and noisier campaigns to rouse voters. It takes bigger, costlier campaigns to sell health insurance than to sell the death penalty; the cheaper the campaign, the cheaper the issue. Big Brother is gaining on the public. Surveys show that voter perceptions about presidential candidates and their positions are more accurate at the end of campaigns than at the beginning; there is no evidence that people learn less from campaigns today than they did in past years. That brilliant 1988 team, Roger Ailes and Robert Teeter, could not recycle Dick Thornburgh; the road to Washington is littered with the geniuses of campaigns past.

Many critics argue that congressional elections do not work because a lack of competition isolates Congress from the electorate; they argue that Democratic control of Congress is based upon incumbency advantage, not the will of the voters. They are wrong. In races for 567 open congressional seats since 1968, the GOP has lost a net of nine. In the 244 open-seat races since 1980, the GOP made no net gains. Democrats won as many previously GOP seats as Republicans won previously Democratic seats.

In fact, the inability of Republicans to capture Congress attests to the limits of voter manipulation. People tend to rate the Democrats higher on issues with which Congress deals, and the GOP higher on issues with which the president deals. Divided government may be slow, cumbersome and confrontational, but it rests upon the divided preferences of the voters—not slick ads or a lack of competition.

It is also argued that campaigns influence voters to take a "pox on both houses" attitude—i.e., that informed voters will be less likely to vote. This theory is easy to test: First, take a sample of people across the country and ask what they consider to be the most important issues, where the candidates stand and what they like and dislike about the office-seekers.

Then, after the election, find whether the interviewees, who have been forced to think about the issues, were more or less likely to vote than other people. If they voted less often, there is clear support for the claim that negativism and irrelevancy are turning off American voters. If the people vote more than others, though the problem is not that people are being turned off but that they are not getting turned on enough.

In fact, there is such an experiment. In every election since 1952, people interviewed in the University of Michigan's benchmark National Election Survey are asked such questions; after the election, actual voting records are checked to see whether the respondents did indeed vote.

The results demolish the trivia-and-negativism hypothesis. Respondents in national studies, after two hours of thinking about the candidates, the issues and the campaign were more likely than other people to actually vote. Indeed, the Duke-Edwards election shows that people will turn out to choose between a Nazi and a crook when the campaign is big enough to keep them mobilized.

The real reason that voter turnout is down is that campaigns are not big enough to keep them tuned in. Changes in government, in society and in the role of the mass media in politics have made campaigns more important today than they were 50 years ago, when modern studies of them began. But the scale of the campaigns have not risen to their larger task.

Campaigns attempt to simplify politics, to achieve a common focus, to make one question and one distinction paramount in voters' minds. But the spread of education has both broadened and segmented the electorate, thereby making it more difficult to assemble a winning coalition. Educated voters pay attention to more problems and are more sensitive to connections between their lives and national and international events. The more divided an electorate, and the more money available to advocates of specific issues or causes, the more time and communication it takes for a candidate to assemble people around a single distinction.

Even as unifying forces in our society—for example, the proportion of people watching mainstream network programming and news—have waned, forces tending to fractionalize the electorate have been on the rise. For example, today they include: more government programs—Medicare, Social Security, welfare and farm supports are obvious examples—that have a direct impact on certain groups; coalition organized around policies toward specific countries, such as Israel or Cuba; various conservation and environmental groups; and groups concerned with social issues, such as abortion and gun control.

Furthermore, there are now a great many more specialized radio and TV programs and channels, magazines, newsletters and even computer bulletin boards with which persons can keep in touch with like-minded people outside their immediate neighborhoods or communities.

At the same time, phenomena such as expanded use of primaries have increased the need for unifying mechanisms. Primaries mean that parties have had to deal with the additional task of closing ranks after the campaign has pitted factions against each other. Finally, campaigning under divided government is also more difficult; it is harder to justify a compromise between competing political principles—the 1990 budget deal is an example—than to reiterate one's own principles.

What this suggests is that if we really want to increase voter interest and participation—as well as the capacity of government to tackle our problems—the best strategy may well be to increase our spending on campaign activities that stimulate voter involvement. In this regard, it is important to note the clear relation that exists between turnout and social stimulation. There is, for example, a large gap between the turnout of educated and uneducated voters; married persons at all ages vote more than people of the same age who live alone; and much of the increase in likelihood of voting seen over one's life is due to increases in church attendance and community involvement.

As for the argument that America already spends too much on elections, the fact is that American elections are not costly by comparison with those in other countries. Comparisons are difficult, especially since most countries have parliamentary systems, but it is worth noting that reelection campaigns to the Japanese Diet, their equivalent to our House of Representatives, cost at least eight times as much per vote as our congressional elections. Indeed scholars estimate that Diet elections cost between $50 and $100 per constituent, while incumbent congressmen here spend an average of $1 per constituent. It is food for thought that a country with a self-image so different from America's spends so much more on campaigning.

Our campaigns are criticized as pointless affairs, full of dirty tricks and mudslinging that ought to be cleaned up, if not eliminated from the system. But the use of sanitary metaphors to condemn politicians and their campaigns says more about the people using the metaphors than it does about the failings of our politics.

Before we attempt to take the passions and stimulation out of politics we ought to be sure that we are not removing the lifeblood as well. Ask not for more sobriety and piety from citizens, for they are voters, not judges; offer them instead cues and signals which connect their world with the world of politics. The challenge to the future of American campaigns—and hence to American democracy—is how to bring back the brass bands and excitement in an age of electronic campaigning.

(Samuel Popkin, professor of political science at the University of California San Diego, is author of "The Reasoning Voter, Communication and Persuasion in Presidential Campaigns," University of Chicago Press, from which this article is adapted.)

AMERICAN CIVIL LIBERTIES UNION,
Washington, April 27, 1992.

DEAR SENATOR: The American Civil Liberties Union opposes the campaign financing legislation that will be considered this week by the Senate. The limitations on campaign contributions and expenditures contained in the conference bill impinge directly on freedom of speech and association and will not solve the problems of fairness and financial equity that the legislation is intended to remedy. Moreover, in our view, the legislation's imposition of contribution and expenditure caps in return for partial public financing amount to an unconstitutional condition on freedom of speech. In essence, it amounts to government buying an agreement from candidates that they will not speak as freely and frequently as they otherwise might and

that they will impose additional limits on the expressions of support they will accept from others.

It is true that the current system of private campaign financing does cause disparities in the ability of different groups, individuals, and candidates to communicate their views on politics and government. However, the appropriate response in keeping with our nation's constitutional commitment to civil liberties is to expand, rather than limit, the resources available for political advocacy. Public financing can play a powerful role in expanding political participation and understanding, but it should not be used as a device to give the government a restrictive power over political speech and association.

We urge you to reject the campaign finance package that emerged from the conference and instead focus on meaningful reforms that would facilitate the candidacies of those who might not otherwise run and broaden the spectrum of campaign debate.

Sincerely,

MORTON H. HALPERIN,
ROBERT S. PECK,
Legislative Counsel.

THANKS TO STAFF

Mr. MCCONNELL. Mr. President, I express my gratitude to my chief of staff and long-time associate, Steven Law, for his ingenious contribution to this issue over the years, and to Tam Somerville, who has also been an inspired part of the hit squad on this side of the aisle, as well as Kurt Branham, of my staff, and Lincoln Oliphant, of the GOP Policy Committee; Dick Ribbentrop, from Senator GRAMM'S office; a former staffer of mine, Neal Holch, who was also heavily involved in this issue last year.

It has been a fascinating experience, and it would not have been possible to craft all of these ingenious arguments that we have used on this issue over the last 4 or 5 years without the able assistance of these wonderful public servants, and I want to thank them in front of the entire Senate.

Mr. BOREN. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum might be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand I have until 3:15 and then the majority leader has from 3:15 until 3:30.

The PRESIDING OFFICER. The Republican leader controls 12 minutes, 30 seconds.

Mr. DOLE. Thank you.

Mr. President, I think we are going to vote here in about 30 minutes on something we debated for 3 days knowing at the outset it was not going anywhere.

Maybe that is a good use of the Senate's time; we might have been doing something more destructive in that 3-day period. But nobody believes this is going anywhere.

This is the best of the Democratic House bill and the best of the Democratic Senate bill to get Democrats reelected, and they put it together. And I noticed the New York Times editorial said it is painstaking. They must have been painstaking; Republicans were not even consulted. The Senator from Kentucky was a conferee. I do not think they asked him for much input.

I will say, as I have said before, we still have time for campaign finance reform this year. Just take this bill off the floor. Had we spent the last 3 days, instead of debating a dead-end bill, debating true campaign finance reform, we might have gotten somewhere.

So to exclude Republicans from the discussions, it passes, send it down to the President, he vetoes it, they have the votes to pass the bill, we know we have the votes to sustain a veto, and nothing has changed in the past 3 days.

So I just say, as we prepare to go through the motions of this political exercise, it reminds me pretty much of the political exercise we had on the growth package. Both sides had a growth package. Democrats had the votes to pass their tax-raising package, the President vetoed it, the veto was sustained, and the economy has not gotten any help at all from Congress. Campaign finance reform is not going to get any help from Congress if this is passed, vetoed, and the veto is sustained.

So I want to make it clear—it is pretty hard to make it clear to the liberal press because they adopt anything that comes from the other side.

But if they want meaningful campaign reform, we can have campaign reform, bipartisan, nonpartisan, Democrats, and Republicans working together. We are ready to adopt real reforms. We are ready to abolish political action committees. We are willing to have the same bill apply to the House that applies to the Senate or vice versa, not to have sort of a cafeteria approach where the House had one version and the Senate has another, neither of which make a great deal of sense.

We stand ready to support innovations developed and proposed in 1990—1990, 2 years ago—by a nonpartisan commission of election experts who were appointed by the distinguished majority leader and myself. As I said, we stand ready to rid ourselves of political action committees which contribute $130 million to campaigns in 1990. Nearly $300,000 each and every day, $300,000 each and every day. Most of that money goes to incumbents, those of us here right now. Of course, most of the incumbents at the present time happen to be in the other party.

The bill before us takes some small steps, very small steps, to limit the political action committee, but does not go nearly as far as President Bush and the Republicans and, I believe, some Democrats would want to go. It does not go far enough to change the status quo.

Let me comment also for a minute on the little fundraising event we had this week in Washington, the one the Republicans had the other night. My friends on the other side of the aisle keep expressing their shock over this event which raised money for congressional campaigns. It did not raise any for the President. He is taking all the heat. He did not get any money.

Let us look at the facts and find out who should be shocked. Recent records show that the Democratic Senatorial Campaign Committee raised $2 million from roughly 4,000 contributors. That is an average contribution of $500 per contributor, and 33 percent of those contributions came from political action committees. Think about that for a minute; $2 million, 4,000 contributors, a $500-average, one-third from PAC's.

In the same time period, there were 314,000 contributors to the Republican Senatorial Campaign Committee. Only 3 percent—not 33 percent—of the donations came from PAC's, and the average contribution was just $45.

Who is the party of the fat cats?

Let us face it, when it comes to big taxes and the big PAC dollars and special interests such as big labor, it is the Democratic Party that has the big, big, big advantage. In other words, Democrats have a hard time getting support and contributions from average Americans, the little guy. Well, the Democrats put their needs together and decided if the people would not become involved in the political system by contributing their hard-earned money to campaigns, they would simply get their money by increasing taxes and let the public pay for it.

I must say, as I said the other day, I have not had many people writing in saying we would like to help our Congressman. We would like to help you out—out of office. But I do not think many people in my State, or any State that is represented on this floor, is anxious about putting public money into our campaign, public money, tax money, their money. What they would like is a little reform of Congress, the Senate, the House, and the executive branch, as far as that is concerned.

It seems to me that from New Hampshire to Pennsylvania, the voters have been sending two messages this year. First, they are tired of the ruling class in Congress, and they think taxes are too high. I thought those messages were pretty loud and clear. Either I was wrong, or else the Democrats who wrote this bill held their meetings in the biosphere, that plastic bubble in Arizona where people are completely

cut off from the outside world. That may have been where this bill was drafted. Not much air getting in there, not much time to think.

The American people are thinking, and they understand. They know all about this bill, that it is going to raise their taxes, and how it promotes protection of incumbents. Most people do not like incumbents. We are incumbents. So this is an incumbent-protection bill. That is all it is. Let us face it.

One way to protect incumbency is to spend more money, to make certain that we are not getting any challengers from the opposition. In this care, it is Republicans. They want to have spending limits, which would make it certain that Democrats remain in the majority. My friend from Kentucky made that argument time and time again in a very appropriate way.

So I say again, as I said on the first day this bill was on the Senate floor, Tuesday, why not just take it down, take it off, have a conference, have the four leaders show up and say, OK, we are going to stay here until we get campaign reform? No public financing. Do not raise anybody's taxes. Let us go after soft money. Let us go after all of it. Let us give the challengers an opportunity. Let us make the party stronger. What is wrong with that? The Democratic Party or the Republican Party. It is an idea that we have proposed. What is wrong with having people in our own States? Why should we limit contributions on people in our States, as far as total amount is concerned? We have ideas about out-of-State contributions.

Mr. President, for all the reasons that have been stated on this floor, again, I think we have had a good debate. I do not think anybody is really enthusiastic about this bill. But I think my colleagues on the other side have to act as though they are. They know it is a bad bill. Not many people have said it is a good bill, and it certainly is not bipartisan. If we want bipartisan campaign finance reform, there is still time in 1992.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, many important issues come before the Senate each year. We debate legislation that affects millions of Americans in their daily lives.

One issue broadly important to everything we do is how we finance election campaigns for Federal office. The way we finance campaigns ultimately legitimizes our governmental responsibilities. The financing of campaigns determines who is elected to office, how legislation is considered, and the degree to which the public supports our decisions.

The conference report before the Senate today represents a truly historic opportunity to enact legislation that would fundamentally reform the way Federal elections are financed. It is a bill that directly attacks the most serious problem in the election process: The dominant, the overwhelming role of money in Federal election campaigns.

For 10 years I have advocated legislation to reform our campaign finance system. I have introduced legislation in every Congress since my first election to the Senate in 1982. Many other Members of this body have worked for years in support of campaign finance reform legislation.

No one has done more than the distinguished senior Senator from Oklahoma, DAVID BOREN. He has indisputably been the national leader on this issue. Senators BYRD and FORD have also played a major leadership role in support of this legislation over the years.

Those of us who have worked for years to change this system have been motivated by a concern for the effect the current system has on the operation of Congress, on public attitudes toward this institution and the Federal Government. Unfortunately, our greatest fears have been realized. There is a significant change in the way the public views this institution and the way in which we run for election.

The American people hold Congress in low esteem. The American people also believe that their President does not care about their concerns. What has historically been healthy skepticism has unfortunately given way to an alarming degree of cynicism by the American people about the ability of their Government to deal with our Nation's problems.

There is far greater public scrutiny of the campaign finance process today. Most Senators are demeaned by the process and the extent to which we must search for money to fund our campaigns.

As distasteful as the process is to us, it is even more distasteful to the American people.

They see a campaign finance process that with each election cycle is becoming ever more reliant on money, in congressional elections and in Presidential elections. Increasingly the American people have come to see their Government as no longer responsive to their needs. They believe their Government acts to fulfill commitments to campaign contributors rather than to serve the interests of the people. And they believe we have created a campaign finance system that is stacked against challengers and designed especially to keep incumbents in office forever.

In large part, this is due to the overwhelming role of money in the American election process. And none of this is surprising given the huge cost of running for office today; the thousands of PAC's that have organized to fund campaigns; the scores of wealthy individuals and corporations that line up to make contributions of $100,000 and more to the President of the United States.

In recent years, money has come to dominate the Federal election campaign process. This has provided protection to incumbents. It has dissuaded many able persons from seeking public office. It has favored wealthy office seekers who can finance their own campaigns. And, at the same time, it has increased the influence of wealthy special interest contributors and severely undermined public confidence in our Government.

Any Senator, any American who cares about our country, who cares about our system of government must deploy this situation. If there is one thing that is clear it is that we must change the way we finance campaigns in America.

This conference report offers us that opportunity. It will make dramatic changes in the way Federal election campaigns are financed.

The conference report will substantially reduce the role of money in the election process and help restore public confidence in our political process by making elections more competitive.

This legislation includes the fundamental reform necessary to clean up the current system and restore public trust in our election process: Limits on campaign spending. American political campaigns are too long and too expensive. This is the essence of reform: Limits on campaign spending. It also limits the role of political action committees, cleans up the soft money mess, prohibits bundling of campaign contributions, encourages less negative campaign advertisements, and gives challengers the resources to mount effective campaigns.

The only meaningful way to reform the Senate election finance system is to limit campaign spending. Anything less avoids the real issues and simply creates the appearance of reform.

Since 1976, congressional election spending has increased almost fourfold, requiring that Members of Congress devote a far greater amount of time to fundraising activities. This trend toward ever higher costs has favored incumbents over challengers. In the most recent Senate elections in 1990, incumbents spent $138 million, almost three times as much as the $51 million spent by challengers. Winning Senate incumbents spent an average of almost $4 million for their reelection campaigns. That requires raising $13,000 a week, 52 weeks a year, for the 6 years of a Senate term.

Spending will continue to escalate still higher until reasonable limits are placed on campaign spending. No matter what other changes are adopted, without spending limits we will not have addressed the real problem, and the real problem will remain.

This conference report establishes an alternative campaign finance system for candidates who agree to voluntarily limit their spending for House and Senate campaigns. Senate candidates will be encouraged to agree to such limits by having available to them broadcast vouchers, lower broadcast rates, and discounted mail. House candidates will be encouraged to agree to such limits by having available to them matching funds and discounted mail. In addition, contingent public financing will be available to Senate candidates who agree to a spending limit if their opponent exceeds the limit.

The participation of political action committees in Federal election campaigns will be curtailed. House candidates will be limited to raising $200,000 each election cycle from political action committees. Senate candidates will not be permitted to raise more than 20 percent of their election limit from PAC's, and the maximum PAC contribution to a candidate will be cut in half. If these rules had been in effect for the 1990 election, PAC contributions to Senate incumbents would have been reduced by 53 percent.

The conference report includes tough new rules prohibiting the use of soft money to affect Federal elections and severely limiting the practice of bundling. In recent years, our campaign finance laws have been undermined by the practice of raising large sums of money from individuals, corporations, and labor unions not otherwise permitted under Federal law. A large portion of these funds have been used by party committees to fund activities that support Federal elections.

The use of soft money has been a particular problem in Presidential races. In the last Presidential election both candidates raised tens of millions of dollars in campaign contributions not permitted under Federal law. Although they participated in the publicly financed Presidential campaign system and agreed not to raise private contributions for their general election campaigns, their agents were, in fact, out raising enormous sums of money.

We have seen a return to the pre-Watergate, Presidential campaign finance era. Wealthy individuals and corporations contribute enormous sums of money to fund Presidential candidates. In 1988 alone, 249 individuals and corporations contributed at least $100,000 each to the campaign of George Bush. Some were awarded with ambassadorships. Some were beneficiaries of legislative initiatives proposed by the President. Most of them have been given special access to Cabinet members and other important Government officials. And, all of the $100,000 contributors were invited to the White House, not the President's house, the people's house, where they were thanked by their President for their $100,000 contribution.

These practices continue today. The Bush campaign has been embarrassed by recent reports on fundraising techniques that involve avoidance of the contribution limits of the law through the practice of raising soft money and bundled contributions. Corporations were listed as sponsors of a fundraising event in Michigan even though corporations have been prohibited from giving to Federal election campaigns since 1907. It is the law for 85 years, and yet, just last week corporations were listed, printed as sponsors of the program. The Bush campaign pointed out that the listed corporations did not really make direct contributions but instead contributions were bundled on behalf of the executives of the corporation.

But whether the corporations were contributing soft money directly or making bundled contributions indirectly through their employees, there is no question they have been involved in an effort to legally avoid the requirements of the Federal election laws.

And it must be said, and I say this as a Democrat and as the Democratic Leader in the Senate, Democrats also use these deplorable tactics to raise campaign funds. This is not a problem that is limited to one party. It involves both parties. It infects the entire system. And that is what it is—an infection from which we are all suffering.

The legislation we are debating today closes down these loopholes. Under this conference report, political party committees would be prohibited from using soft money on activities that affect a Federal election. Federal candidates and officeholders would be prohibited from raising soft money. Bundling of contributions in order to avoid the contribution limits of the law would also be prohibited.

This is tough legislation that would dramatically change the way Federal elections are financed. It is good legislation that directly responds to the public's anger about Federal election campaigns.

And most importantly, it is balanced legislation that treats Republicans and Democrats alike and fairly, while leveling the playing field to give challengers a better opportunity to mount effective campaigns.

We have heard from those who oppose reform of our campaign finance laws. They oppose any reform. They like the present system. They have advanced arguments, all of them without any merit: It is too costly, it does not go far enough, it protects incumbents. In all of the opposition to this bill the most transparently inconsistent position is that of President Bush. He has run in four Presidential elections in which he has voluntarily participated in a system of spending limits and public funding. He has voluntarily participated. President Bush was not required to participate in this system. He chose to do so. And by the end of this year he will have received more than $200 million in taxpayer's money, public funds, more than any person in all of American history. And yet the President says he opposes this legislation because it includes spending limits and partial public funding of elections. In all of American politics there is not a more clear example of saying one thing and doing another.

We in public life take stands on many issues and we are often accused of being inconsistent, but the President's position goes well beyond that. He says he opposes this bill because it includes spending limits and public benefits and at the same time he is this day running for election and participating voluntarily in a system which has both of these things, public funding and spending limits.

In fact, in the same week in April, just a week ago, within the same week, President Bush asked the Federal Elections Commission for $2 million of public funds for his campaign and then said he will veto this bill because it includes public funds for campaigns.

The President cannot have it both ways. He cannot voluntarily accept public benefits in spending limits while vetoing this legislation because it provides just what he himself has been accepting. And I emphasize his acceptance is voluntary. The President does not have to participate in this system. He has chosen to participate. And, as a consequence, as I said earlier, before this year is out, President Bush will have accepted $200 million in taxpayers' money for his campaign.

What are the opponents of this bill afraid of? That we might clean up the system? That we might distance large money interests from the political process? This legislation creates a voluntary system. If they do not like it, they do not have to participate in it. But why not let those of us who want to operate in a clean system, who want to have a distance between large money interests and the legislative process—why not let us proceed in that system in a voluntary way?

Mr. President, the most common complaint from opponents of campaign finance reform is that spending limits benefit incumbents. That argument is just plain wrong. And it is directly contradicted by the facts and all of the evidence of recent years.

Mr. President, let us look at the record of what would happen to incumbents if this bill is enacted.

In the 28 Senate races where an incumbent faced a challenger in 1990,

challengers were outspent in 26 of those races; 26 out of 28 races the incumbent spent more than the challenger, and the total margin between incumbents and challengers was three to one in favor of incumbents.

Go back a little further. Since 1986 there have been 83 Senate elections between incumbents and challengers. Incumbents have spent more money in 93 percent of those elections and incumbents have won 85 percent of those elections.

Mr. President, it is very clear this legislation limits the spending of Senate incumbents, not Senate challengers, because in almost all races it is only incumbents who spent more than the limits in this bill.

If you say to a challenger who can only raise $500,000 that there is a limit of $2 million, how is he hurt? The answer is, he is obviously not. But in almost every race, the incumbent spends more than the limit and so the incumbent would be limited, the challenger would not.

It is nonsense to suggest that this bill helps incumbents. There is absolutely no evidence to support that, and all of the facts are to the contrary. The fact is the opponents of this bill are incumbents and they want to stay in office no matter what kind of system they have to operate under. That is the fact.

Another argument the opponents of reform make is that this legislation does not go far enough because it does not completely eliminate political action committees. That is a phony argument. That cannot legally be done.

The bill, as passed in the Senate, did propose to eliminate political action committees. There was a lot of discussion at the time and the legislation, as proposed both by Democrats and Republicans, included a backup provision anticipating the possibility that an outright ban on PAC's would be unconstitutional.

Since then, there has been a great deal of legal advice received to that effect. And, so, although I expect we will hear speeches suggesting the opposite, it should be made clear—and every Senator should understand the President has never advocated eliminating political action committees. He has tried to create the impression that he has, but he has never advocated that. Despite those assertions to the contrary, what the President has proposed is the elimination of some political action committees, those connected directly with a labor union, corporation, or trade association.

But under the President's proposal, unconnected PAC's, those who hold some ideology in common, would continue to thrive. The problem with this approach, of course, is that we will end up with more PAC's than we now have. Those who are banned will simply reform under a different heading or symbol or name or ideology, and we will have the same situation we have now made worse.

The effective way to limit the role of PAC's is to propose an aggregate limitation on the amount of money that any one candidate can receive from all political action committees. And this bill does that. It is tough legislation. It will cut in half the overall amount of PAC contributions to incumbent Senators.

I close with these words to my colleagues in the Senate. We have heard it said often in recent days that Congress lacks the ability and the will to pass tough legislation that may be good for the Nation; that Congress cannot pass legislation because it bends to the will of money and special interests; that we are too worried about reelection to support legislation that is in the public interest because it might have some unpopular aspect.

This is the opportunity to disprove those allegations. If you want to prove that you are willing to stand up to the special interests, the large money interests, vote for this conference report. If you want to stand up for something that you know is the right thing to do, vote for this conference report. If you believe in our democratic system of Government and are genuinely disturbed by the low esteem in which Congress is held by the American people, vote for this conference report.

The American people have lost confidence in the Federal election process. They question the very integrity of this institution, the integrity of the individual Members of the Senate. Every Senator, every single Senator without regard to party, deplores this result. Almost every Senator agrees that our campaign finance laws must be rewritten.

We cannot let those, the few who are opposed to any reform, who like the current system, who want above all else to protect their position in office no matter what system they must operate under—we cannot let them block this reform. We must restore the integrity of this institution and its Members and we can make a start on that by voting for this conference report.

I urge my colleagues to vote for it and send a clear and unmistakable message that this system must be changed.

Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 3, the Congressional Campaign Spending Limit Election Reform Act of 1992.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 58, nays 42, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—58

Adams	Exon	Metzenbaum
Akaka	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Pell
Boren	Harkin	Pryor
Bradley	Heflin	Reid
Breaux	Inouye	Riegle
Bryan	Jeffords	Robb
Bumpers	Johnston	Rockefeller
Burdick	Kennedy	Sanford
Byrd	Kerrey	Sarbanes
Conrad	Kerry	Sasser
Cranston	Kohl	Simon
Daschle	Lautenberg	Wellstone
DeConcini	Leahy	Wirth
Dixon	Levin	Wofford
Dodd	Lieberman	
Durenberger	McCain	

NAYS—42

Bond	Gramm	Packwood
Brown	Grassley	Pressler
Burns	Hatch	Roth
Chafee	Hatfield	Rudman
Coats	Helms	Seymour
Cochran	Hollings	Shelby
Cohen	Kassebaum	Simpson
Craig	Kasten	Smith
D'Amato	Lott	Specter
Danforth	Lugar	Stevens
Dole	Mack	Symms
Domenici	McConnell	Thurmond
Garn	Murkowski	Wallop
Gorton	Nickles	Warner

So the conference report was agreed to.

Mr. MITCHELL. I move to reconsider the vote.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, am I correct in my understanding that under the previous order, there is now to be a period for morning business with Senators permitted to speak therein?

The PRESIDING OFFICER. The majority leader is correct.

LOS ANGELES RIOT

Mr. MITCHELL. Mr. President, the pall of smoke that hangs over Los Angeles today hangs over our Nation as well.

The acquittals in the police beating of Rodney King have surprised and shocked Americans of all races and in every part of the Nation.

Americans expect the police to do their jobs in accordance with the law. The verdict makes many Americans wonder if the system of justice works, as it should have in this case.

Whatever the verdict, looting and violence are not reactions that can be tolerated. No one can or should condone riots or sniper fire or looting. Rioting damages neighborhoods, takes innocent lives, and injures bystanders. Violence inevitably leads to more violence. So the violence must be ended.

But the end of a riot does not mean that the cause of the riot is over. Fac-

tors that bred the frustration over this case have long, deep roots in our system. We must look to those factors, as well as to the outcome to which they gave rise.

The Federal Justice Department has now stepped up its criminal review of the case. I urge the Justice Department to move swiftly and aggressively in this case.

Madam President, it is my understanding that under the previous order, there was to be at this time 1 hour of morning business under my designation and control.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator is correct.

Mr. MITCHELL. Madam President, I consulted with other colleagues who were to have addressed the Senate during that time, and it is our desire not to proceed as planned at this time. Therefore, I ask unanimous consent that the 1 hour under my designation or control be vitiated, and that the Senate remain in morning business subject to other previous orders with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

TRAVESTY OF JUSTICE

Mr. BRADLEY. Madam President, what we have seen in Simi Valley, CA, is a travesty of justice. The story is familiar. March 3, 1991: Rodney King is speeding, driving while intoxicated; clearly wrong. He was stopped by several police officers. He was kicked; he was hit with batons 56 times in 81 seconds. When one of the officers arrived at the hospital, he bragged that he "really hit a homer."

Madam President, we were not told about Rodney King being hit 56 times in 81 seconds with batons. We saw it with our own eyes; it was on video. Just as we saw the missiles over Baghdad or the murders in Tiananmen Square, so we saw four police beating Rodney King. It was clear cut, 56 times in 81 seconds. Something like this: pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow pow—56 times in 81 seconds. That is what the American public saw on videotape: 56 times in 81 seconds.

And what did the defense do? The defense, in a thinly veiled attempt to play on racial stereotypes and racial fears, the defense called King a bear, a bull, a gorilla—the worst, the worst of the dehumanizing descriptions of black Americans that have fueled hatred, discrimination, and fear throughout our history.

The defense strategy was to deny what we all saw on TV with our own eyes. In the word of today's Washington Post:

> The defense lawyers portrayed their clients as part of a thin blue line standing between law-abiding citizens and the jungle of Los Angeles.

Madam President, jurors were asked to yield to this fear. Jurors were asked to deny Rodney King's humanity, to deny they saw what they saw. It was the ultimate attempt at delusion, delusion born in a society that does not talk honestly about race, an ultimate attempt at delusion born in a society which fails to see that its salvation lies in overcoming racism, and not in yielding to racism.

The verdict: Not guilty. In the last 12 hours, I do not know about everybody else in this body, but I have had a few things happen. Let me share just a couple.

A young black male walks up to me earlier today and says, "I hope you're going to say something. It could be me next time. It was not likely they did not have any evidence."

A nonblack female says: "I guess I have become immune to such injustices, and that really saddens me. I have become so used to seeing the side I consider to be right, that events like this no longer seem to surprise me."

A young black man interviewed on TV last night says: "If I went to a grocery store and stole a Twinkie, and I was on videotape, I would be in jail for 6 months. But if I were beaten up on the street by four white cops, they could get off. Where is the justice?"

A female black lawyer said: "People should not be afraid of the people who are supposed to protect them, but they are." Imagine if the shoe were on the other foot; imagine if an all black jury acquitted a black policeman, or several black police officers, who had beaten a white person to a pulp 56 times in 81 seconds on videotape. Imagine what would be said then, and then you could imagine a little bit, I believe, how African-Americans feel today.

No justice can come from injustice. Racism breeds racism; violence begets violence. So the image of white police officers beating a black man lying prone on the ground dissolves into the image of a black crowd dragging a white driver from a vehicle and kicking him to death. That violence only further exacerbates the tragedy of thousands of lives of those who live in an area wracked by drugs and gang violence and poverty and despair.

A state of emergency has been declared in south-central Los Angeles. All violence must be condemned. But the emergency is national. I have said before on this floor that slavery was our original sin, and race remains our unresolved dilemma. That dilemma becomes a state of emergency when our carefully constructed system—governmental, judicial, social—breaks down in the face of the racial reality of our society. And the reality is, sad to say, it was easier for an all white jury to put themselves in the shoes of a white police officer than to put themselves in the position of Rodney King. After all, the jury did not live in the city. The jury has not been the target of ugly racial epitaphs or discrimination. They have never been pulled over by a police officer simply because they were black. Once again, we are forced to confront the division in our society.

In 1820, Thomas Jefferson described the emotion raging around the slavery issue as "a warning bell in the night." Our Nation ignored that warning, and it cost us a Civil War which took the most American lives of any war we have ever had.

In the 1960's James Baldwin, in the midst of great racial advances in civil rights, said, "Beware, the fire next time."

In the last 24 hours, another warning bell has rung, and other fires have burned. If we, as a nation, continue to ignore the racial reality of our times, tiptoe around it, demagog it, or flee from it, we are going to pay an enormous price.

What we need now, at the exact time, is hope and accountability, accountability for the conduct of the police officers, and hope that the system of justice can work. With that in mind, I call on the Attorney General to file criminal civil rights charges against the police officers. If a crime is done and the system does not work, that is what the civil rights laws are all about. Next, I call on President Bush to go to Los Angeles and to the community and meet with the residents to show his concern, if they believe it will be helpful.

Finally, all of us have to fight for a political system that will guarantee that the voiceless will have a voice more powerful than violence. Emmit Till was an African-American, a young man killed in Mississippi one summer while visiting relatives because he said "bye-bye" to a white woman in a store. After she lost her son, Emmet Till's mother said:

> When something happened to Negroes in the South, I said "that is their business, not mine." Now I know how wrong I was. The murder of my son had shown me that what happens to any of us, anywhere in the world, had better be the business of all of us.

What happened in the courtroom in Simi Valley last night is the business of all of us, and we better start speaking candidly, and we better do something about the physical conditions in our cities, or risk losing increasingly larger numbers of lives of our citizens in our cities in the violence, or the fire that next time is going to engulf all of us.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, first of all, let me associate myself with the remarks of Senator BRADLEY. I think he speaks for many of us. He certainly speaks the sentiments that I have in his very eloquent, and powerful, and important remarks now.

I want to cite another example in this same vein. In the Senate Banking Committee recently, we had a hearing of the Twenty-first Century Commission on African-American males and the problems facing young black men in our society today. And the statistics are truly horrifying, in terms of the death rates, the unemployment rates—even those with college degrees are finding in many cases they cannot find work in our society.

One of our witnesses to talk about this problem, was a person known by many, a very able and outstanding television personality named Blair Underwood, who appeared on the TV show "L.A. Law." He told us a personal story, not terribly different in some important respects from the Rodney King story.

I am going to paraphrase what he told us. In his situation he described one day leaving the movie lot where he had been filming an episode of "L.A. Law," and he was driving, I believe, a very nice sports car—that he owns—to his home, somewhere in the Hollywood area, but in a very nice and exclusive neighborhood. He pulled up in front of his own home to get out of his car, and he had been followed by a police car that had come up behind him. As he was sitting in his own car, in front of his own house and was about to get out, a police officer came around and approached him and in a very hostile way, asked him what he was doing in this neighborhood. Before he could answer, there was a very tense moment and the police officer in this case ordered him to get out of the car. The police officer drew a gun, ordered him to get out of the car and to get down on the ground and to prepare to be inspected in some fashion by the police officer.

Obviously, he was totally taken aback by this incident. He was frightened by it, as any of us would be, to have a police officer in front of our own home pointing a pistol at us in a confrontational fashion of that kind.

This is not ancient history and this is not make-believe. This is a real situation of another American citizen of color who had this happen, as it turns out, in the same general area of the country not all that long ago.

The Rodney King beating trial, as others have said, is a serious miscarriage of justice, the verdict in that trial. In fact, Federal law protects every citizen of America from racially motivated violent beatings by police officers. We have written laws in this country that are on the books right now that prohibit that kind of thing from happening. And that law has to be enforced. The President has an obligation to see that it is enforced and that his Attorney General move immediately to see that the law is enforced, as had just been suggested by the Senator from New Jersey.

Senator METZENBAUM is drafting a letter in conjunction with several of us, to put that request in a written form so that it might be transmitted to the administration and to the President today.

On the basis of the evidence that we all saw of the beating that took place of Rodney King, there is no question in my mind that his Federal civil rights were violated. Other evidence beyond the videotape bears that out in terms of statements that were made by some of the police officers that participated in that beating and the fact that even other police officers to their great credit were willing to testify that what happened here was wrong and beyond the bounds of any kind of reasonable conduct by police officers.

If what happened to Rodney King is allowed to stand it can happen to anybody, anywhere, most often to minority persons be they black or brown, Afro-Americans, Hispanics, Asian persons, but it can also happen to anybody else in the society and that kind of brutality and violence cannot be tolerated even in one case.

It does not justify violence in response. What we have seen over the last several hours in terms of the rioting and the beatings of innocent people, the scene that many of us saw, the truck that was stopped and the truck driver who was pulled out and assaulted and who later died, is as horrifying a scene as I think I have ever seen. There is no justification for that violence, violence does not justify violence, and it does not solve anything. And we see innocent victims accumulating almost everywhere we look.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes. Does he wish to extend the time?

Mr. RIEGLE. Two additional minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. RIEGLE. The cycle of violence has to be stopped whether by those in uniforms or citizens at large. I urge every citizen to exercise their own capacity for leadership, leadership by example, leadership by understanding, leadership by caring about other people, across racial lines, across any other lines that might otherwise divide people or be the basis of people not coming together. I think we have to come together as a society. I think we have to address these issues and we have to address them in order to achieve a measure of racial and economic justice in America that deals with underlying problems that otherwise I think will continue to have the effect of pulling our society apart.

But in this case, the Federal Government under the laws of this land has an obligation to act, not weeks or months from now, but to act now. I call upon the President, the Attorney General—who is responsible for enforcing those laws—to move at this time to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join many of my colleagues in expressing our dismay at the shocking miscarriage of justice in the Rodney King case in California. The Federal Government has its own obligations to see that justice is done in cases such as this. I urge the Justice Department to expedite its criminal investigation with a view toward Federal prosecution. Appalling as this verdict is, there is no justification for resorting to violence. I urge all those troubled by this deplorable verdict to use peaceful means to express their concerns and work together to address the issues that divide our society and deny hope to many of our citizens.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am assigned 10 minutes under the previous order. Would that apply to this portion?

The PRESIDING OFFICER. The 10 minutes will apply.

Mr. FORD. I thank the Chair.

Madam President, we wish to close out shortly and we have not quite wrapped that up. They will be here in just a minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 2642 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Senator WELLSTONE is recognized.

RODNEY KING INCIDENT: A BETRAYAL OF JUSTICE

Mr. WELLSTONE. Madam President, I am saddened and shocked by the verdict in the Rodney King case. As I watched the verdict being read in the courtroom and the aftermath on the streets, I kept thinking what a huge step backwards this verdict represents for race relations and civil rights. African-Americans are angry. All Americans are angry. And this anger is legitimate. This verdict represents a betrayal of justice. We need to right the wrong that has been done.

When we all saw the videotape of Los Angeles policemen beating Rodney King last year, we were shocked. An unarmed African-American civilian being clubbed and beaten by four policemen as others looked on. What is

happening to America, 25 years after the civil rights revolution? Many in the African-American community are saying that the only thing different this time was that the beating was captured on tape and the perpetrators could not escape justice.

So America assured itself that a public, televised trial would bring justice to Mr. King and to the African-American community. Political leaders urged patience and confidence in the judicial system. They said this case would expose police brutality. They said this case would make white America more aware of the problems people of color face every day on the streets of their communities. They said let the system work.

Well, now what do we say? This verdict is a travesty. Not just because four policemen whom the whole world saw brutally beat an unarmed man walked free. No, that is only part of the problem. The verdict is a travesty because of what it says to the members of the African-American community and other communities of color. It says that even when there is videotaped evidence of brutality, it is very difficult to get justice. It says that despite 25 years of changes in civil rights, we have not come very far at all. It says that for all the progress in legislation and court rulings, yesterday we took a giant step backwards.

But we can not let the outrage and indignation about the verdict lead to more violence. Violence begets violence begets violence. It is not the answer. It will not bring justice. As angry and as upset as people are, beating and murdering innocent people and burning community buildings will not redress grievances. There has to be a better way.

Nobody wants to defend violence and I will not. But no one should be comfortable with the violence of homelessness, with the violence of joblessness, with the violence of hunger.

I have been talking today with members of the African-American community in my State of Minnesota. Like Americans everywhere, they are outraged about what has happened. They are agonizing about what to do and how to respond in a constructive way. What I am hearing them say is that we must redress this injustice.

What we need to do is to demand action by Federal officials. Policing in the community requires sensitivity, respect, fairness, and justice. I urge the Justice Department to expedite its review of this case for violations of the civil rights laws. The American people deserve an accounting of what happened in Los Angeles. I urge that the department prosecute violations to the fullest extent of the law. I urge President Bush to make sure that such a review is completed as quickly and comprehensively as he said he would this morning.

I also urge him to treat the case with the gravity and respect it deserves and to provide the leadership on civil rights that has been lacking in recent years.

I will be offering the mayors of both Minneapolis and St. Paul as well as members of the African-American communities of both cities any assistance they need at the Federal level.

And, finally, I ask that all Americans come together over this incident and work to bridge our differences and solve our problems. We cannot afford as a nation, as a people, to continue to tear ourselves apart. We must stand together to demand justice and equality.

I yield the remainder of my time, and I thank the Senator.

Mr CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

DISMAYED WITH THE JURY VERDICT

Mr. CHAFEE. Madam President, I am totally dismayed with the jury verdict in the case involving Rodney King. We who believe so strongly in rule of law and who believe in the inherent fairness of juries are dumbfounded. How can this be? How can a jury find four policemen innocent of a beating which we all saw on videotape? Can anyone believe that those four officers were frightened into taking defensive protection measures against a single man who is lying prostrate on the ground?

The defendant was a black man. The police officers were white. The jury was nonblack. So we ask ourselves, was racism an aspect in this case? And we cannot help but believe that it affected the verdict.

I strongly believe that this case should be reviewed by Federal authorities, Madam President, and I commend the U.S. Attorney General for initiating such a review.

In addition, Madam President, I would like to commend the actions of Mayor Bradley, the mayor of Los Angeles, and Gov. Pete Wilson, the Governor of California, for their efforts to attempt to restore calm following this dismaying case that has brought tragedy on top of tragedy.

EXTENDING CERTAIN EXPIRED VA AUTHORITIES

Mr. FORD. Madam President, I ask unanimous consent that the Committee on Veterans' Affairs be dischraged from further consideration of S. 2378, a bill to extend certain expired VA authorities.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2378) to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRANSTON. Madam President, as the chairman of the Committee on Veterans' Affairs, I urge Senate adoption of the pending measure, S. 2378, as it will be amended by an amendment that I will describe in more detail in a moment.

This legislation, which is cosponsored by the committee's ranking Republican member, Senator SPECTER, would extend certain expired VA authorities.

Last fall, at the close of the first session of this Congress, the Senate was precluded from acting on H.R. 2280, compromise legislation developed by our committee in conjunction with the House Veterans' Affairs Committee. Among other things, that compromise included provisions which extended certain expiring VA authorities.

Last month, I introduced and the Senate passed S. 2344, the proposed Veterans Health Care Amendments Act of 1992, for the express purpose of beginning anew the process of developing and enacting comprehensive veterans health-care legislation. However, as my colleagues appreciate, it is not possible to predict with any accuracy how long that process will take nor the ultimate outcome of that effort.

Thus Madam President, rather than rely on that more comprehensive bill to address the expired authorities, I introduced this legislation that includes only extensions of expired authorities. Once the Senate acts on this measure, I will work with Chairman MONTGOMERY and other members of the House Committee to secure its prompt enactment.

DESCRIPTION OF PROVISIONS

Madam President, S. 2378 would extend authorities in three areas—VA's authority to maintain an office in the Philippines, to conduct certain temporary vocational rehabilitation and training programs, and to establish research corporations—which I will describe in more detail in a moment, ratify any actions taken pursuant to these now-expired authorities between their expiration dates and the date of enactment of this legislation, and finally, extend an expired requirement for VA to submit a report to the Congress.

REGIONAL OFFICE IN THE PHILIPPINES

Section 315(b) of title 38, United States Code, authorizes VA to maintain a regional office in the Republic of the Philippines. Pursuant to this authority, VA operates an office in Manila. This authority expired on September 30, 1991.

Section 1 of the bill would extend this authority until March 31, 1994, and would expressly ratify any actions taken by VA to maintain the regional office in Manila between October 1, 1991

59-059 O—96 Vol. 138 (Pt. 7) 41

and the date of the enactment of this legislation.

CERTAIN VOCATIONAL REHABILITATION AND TRAINING PROGRAMS

Madam President, section 2 of the bill would extend certain temporary vocational rehabilitation programs and authorities which expired on January 31, 1992. These specific programs and authorities are as follows. First, section 1163 of title 38 provides for a temporary program of trial work periods and vocational rehabilitation evaluations for veterans receiving VA compensation at the total-disability rate based on a determination of individual employability. Second, section 1524 of title 38 provides for a program of vocational training for certain nonservice-disabled wartime veterans awarded a pension. Third, section 1525 provides for a program of time-limited protection of VA health-care eligibility for a veteran whose entitlement to pension is termination by reason of income from work or training. Each of these provisions would be extended until December 31, 1992, so as to enable the committee to receive and review VA evaluations on the effectiveness of each program or authority. Provisions in the bill would ratify any actions taken by VA under these authorities between their expiration and the effective date of the legislation.

RESEARCH CORPORATIONS

Madam President, subchapter IV of chapter 73 of title 38 authorizes VA to establish at VA medical centers nonprofit corporations to provide a flexible funding mechanism for the conduct of medical research at the centers. This subchapter also requires VA to dissolve any such corporation that fails to obtain, within 3 years after establishment, recognition from the Internal Revenue Service as a tax-exempt entity under section 501(c)(3) of the IRS Code. Finally, this subchapter requires any research corporation to be established no later than September 30, 1991.

Section 3 of the bill would extend from 3 to 4 years the time period after establishment that a research corporation has to obtain IRS recognition as a tax-exempt entity and also extends VA's authority to establish research corporations until December 31, 1992. As with the other provisions, the bill includes an express ratification provision relating to VA actions under the subchapter between the expiration date and the date of the enactment of this legislation.

ANNUAL REPORT ON FURNISHING HEALTH CARE

Section 19011(e)(1) of Public Law 99–272, as amended, requires VA to submit, not later than February 1 following the end of the fiscal year covered by report, to the House and Senate Veterans' Affairs Committees annual reports on the furnishing of hospital care in fiscal years 1986 through 1991. Section 4 of the bill would amended that requirement so as to extend the reporting requirement through fiscal year 1992.

AMENDMENT: GUARANTY OF PAYMENTS ON VA MORTGAGE-BACKED SECURITIES

Madam President, in order to offset the very minor fiscal year 1992 direct-spending costs that the bill would entail, I am proposing an amendment that would allow VA during calendar year 1992 to issue guaranties of timely principal and interest payments on securities backed by a special type of VA direct loans known as vendee loans. These are loans VA extends to those who purchase houses that VA has acquired as a result of the foreclosure of a VA-guaranteed loan. VA pools these loans and sells them to a trust that issues mortgage-backed securities. These securities pass through to the investors who buy them with the income generated by the loans.

Currently, VA guarantees the loan payments to the trust but not the payments on the securities issued by the trust. The direct Government guaranty provided by this provision would qualify these mortgage-backed securities to be purchased by certain institutional and other investors whose own rules allow investments only in Government securities or similar assets.

Since the underlying loans already are guaranteed by VA, the direct Government guaranty on the securities should not add any additional risk of losses to the Government. However, the increased market for the direct-guaranteed securities would make these securities relatively more valuable, thereby increasing VA's income from these loan-asset sales by approximately $5 million a year.

The savings provided by this increased revenue thus will more than offset the small fiscal year 1992 direct-spending costs, $400,000, of the rest of the bill. Thus, the net budget effect of the bill will be a substantial savings to the Government.

This provision is derived from the administration-requested legislation, S. 1517, which would provide VA with permanent authority to issue guaranties of this nature.

CONCLUSION

Madam President, I urge my colleagues to give this measure their unanimous support. As I mentioned earlier, my intention, as soon as the Senate acts, is to seek work with our colleagues on the House committee to ensure this measure's prompt enactment.

AMENDMENT NO. 1788

(Purpose: To provide for the authority of the Secretary of Veterans Affairs to issue and guarantee the payment of certain securities backed by mortgages)

Mr. FORD. Madam President, on behalf of Senator CRANSTON, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. CRANSTON, proposes an amendment numbered 1788.

Mr. FORD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, below line 2, add the following new section:

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992.".

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting ", and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1788) was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and third reading of the bill, as amended.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as amended, as follows:

S. 2378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO MAINTAIN THE REGIONAL OFFICE IN THE PHILIPPINES.

(a) EXTENSION.—Section 315(b) of title 38, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "March 31, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 1991.

(c) RETIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD.—Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act is hereby ratified with respect to that period.

SEC. 2. AUTHORITIES RELATING TO CERTAIN TEMPORARY PROGRAMS.

(a) PROGRAM FOR TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION.—Section 1163(a)(2)(B) of title 38, United States Code, is

amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(b) PROGRAM OF VOCATIONAL TRAINING FOR NEW PENSION RECIPIENTS.—Section 1524(a)(4) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(c) PROTECTION OF HEALTH-CARE ELIGIBILITY.—Section 1525(b)(2) of such title is amended by striking out "January 31, 1992" and inserting in lieu thereof "December 31, 1992".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) through (c) shall take effect as of January 31, 1992.

(e) RATIFICATION OF ACTIONS DURING LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act are hereby ratified with respect to that period:

(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.

SEC. 3. AUTHORITIES RELATING TO RESEARCH CORPORATIONS.

(a) PERIOD FOR OBTAINING RECOGNITION AS TAX EXEMPT ENTITY.—Section 7361(b) of title 38, United States Code, is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) ESTABLISHMENT OF CORPORATION.—Section 7368 of such title is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1992".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1991.

(d) RATIFICATION FOR LAPSED PERIOD.—The following actions of the Secretary of Veterans Affairs during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act are hereby ratified:

(1) A failure to dissolve a nonprofit corporation established under section 7361(a) of title 38, United States Code, that, within the three-year period beginning on the date of the establishment of the corporation, was not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The establishment of a nonprofit corporation for approved research under section 7361(a) of title 38, United States Code.

SEC. 4. REQUIREMENT OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal year 1992".

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992.".

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting ", and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section".

Mr. FORD. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDWARD P. BOLAND DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. FORD. Madam President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 4184, designating the "Edward P. Boland Department of Veterans Affairs Medical Center" in Northampton, MA; that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; and that a statement by Senator KENNEDY be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4184) was deemed read the third time and passed.

Mr. KENNEDY. Madam President, it is an honor to join in supporting this well-deserved measure to designate the VA Medical Center in Northampton, MA, as the "Edward P. Boland Department Of Veterans Affairs Medical Center."

This designation is a most fitting tribute to our highly respected friend and former colleague from Massachusetts, Eddie Boland. For more than half a century, Congressman Boland devoted his life to public service. First elected to the Massachusetts House of Representatives in 1935, he came to Congress in 1953, and by the time he retired at the end of 1988, he had compiled an outstanding record of achievement for his district and the Nation.

For the last 18 years of his service in the House, until his retirement at the end of 1988, he provided extraordinary leadership for veterans as chairman of the Appropriations Subcommittee on VA-HUD-Independent Agencies. It is especially appropriate, therefore, that the VA Medical Center in Northampton will bear his name.

In his effective way, with great diligence, wisdom, and compassion, Eddie Boland became a champion of veterans across the country. As a veteran himself, he had served in the Pacific theater for 4 years during World War II, and he never forgot the enormous debt that our Nation owes to all its veterans. He worked tirelessly and with great skill and dedication to ensure that their needs were met, particularly with respect to health care. His achievements are all the more remarkable, given the budget constraints and the many competing needs facing the country.

It is a tribute to his record and his reputation that this bill has the strong support of veterans groups throughout Massachusetts, including the American Legion, the Veterans of Foreign Wars, AMVETS, and the Disabled American Veterans. He has also received the highest honors from several national veterans organizations, such as the American Legion's Distinguished Public Service Award, and AMVETS' Silver Helmet Award.

Those of us who know Congressman Boland are well aware that he does not seek recognition for his success, but he deserves it. It is fitting that Congress is taking action now to name this veterans hospital in his honor, as a symbol of his enduring contribution to the lives and well-being of veterans in Massachusetts and across the country.

I commend Chairman ALAN CRANSTON and all the members of the Senate Veterans' Affairs Committee for their cooperation in expediting this tribute to one of the finest public servants that Massachusetts and the Nation have ever had.

JOB TRAINING PARTNERSHIP ACT

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 279, H.R. 3033, a bill to amend the Job Training Partnership Act; that all after enacting clause be stricken; that the text of S. 2055, as passed by the Senate on April 9, be substituted in lieu thereof; that the bill be deemed read a third time and passed; that the title be appropriately amended; that the motion to reconsider be laid upon the table; that the Senate insists on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 3033) was deemed read the third time and passed.

The title was deemed amended so as to read:

Amend the title so as to read: "An Act to amend the Job Training Partnership Act to strengthen the program of employment and training assistance under the Act, and for other purposes."

APPOINTMENT OF CONFEREES

There being no objection, the Presiding Officer (Ms. MIKULSKI) appointed Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mr. HATCH, and Mr. THURMOND conferees on the part of the Senate.

PARTIALLY RESTORING OBLIGATION AUTHORITY AUTHORIZED IN THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1992

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2641, a bill to partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1992, introduced earlier today by Senator MOYNIHAN and others; that the bill be deemed read the third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2641) was deemed read the third time and passed, as follows:

S. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF OBLIGATIONAL AUTHORITY.

(a) IN GENERAL.—$369,000,000 of the reduction in obligation authority for fiscal year 1992 required by section 1004 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) as a result of the enactment of section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is restored for programs subject to the obligation ceiling.

(b) CLARIFICATION.—Section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the first sentence by inserting ", subject to appropriations," after "is authorized".

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–201, appoints Carolyn Hecker, of Maine, to the Board of Trustees of the American Folklife Center.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 81–754, as amended by Public Law 93–536 and Public Law 100–365, reappoints the Senator from Maryland [Mr. SARBANES] to the National Historical Publications and Records Commission.

Mr. FORD. Madam President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

NATIONAL FIREARMS POLICY

Mr. CHAFEE. Madam President, on Tuesday of this week, the Senate spent 4 hours debating whether or not to approve the minting of new coins. Yet, on that very day, as is the case every day, an average of 27 adults and children across our Nation were killed by a handgun, and 39 individuals, Americans, went to the hospital to be treated for handgun wounds.

Of those 39 patients, some will be permanently and severely disabled the rest of their lives. Others will go back to their homes and families wondering what kind of a society, what kind of a nation do we have where handguns are so commonplace.

We have many demands and many challenges and many problems facing the Senate and our Nation, and we need to spend far more of our valuable time and of our scarce resources focusing not on parochial or petty or political matters, but on those which are most critical to the well-being of this country of ours.

Two among the most pressing issues facing the United States of America are, first, the need to improve the quality of our education; and, second, the need to reduce the costs of our health care systems. But tied inexorably to progress on both of these matters is recognition of the costs placed on the United States of America and its citizens and its taxpayers by our national firearms policy. And that is what I wish to discuss for a few minutes this afternoon.

If we hope to achieve progress on education, it is imperative that educators be able to spend their time and their resources on their principal task, which is educating our young people. Likewise, if we are to move forward on health care, it is critical that we ensure our population is as healthy and as fit as possible, and thus reduce the demand for expensive health care services.

Yet today, educators are distracted from educating and pupils are distracted from learning by the ever-increasing and frightening presence of handguns within our schools.

And our efforts to hold down health care costs literally are being shot down by the more than $4 billion required to be spent every year on the ghastly woundings and deaths from handguns.

How many handguns are there in this country? It is estimated that there are roughly 66 million of these deadly weapons in the United States today. In 1982, there were only 53 million. That is a 25-percent increase in 10 years. According to the Bureau of Alcohol, Tobacco, and Firearms [BATF], we can expect to add 2 million handguns every year. That is hardly a comforting thought.

Handguns—these guns so easily concealed under a jacket or in a shoulderbag—cause untold damage and suffering in this Nation. The statistics are staggering, frightening, and shameful. Every year, handguns are estimated to be involved in at least 10,000 murders and 15,000 woundings—that translates to about 27 persons killed and 41 persons injured every day. Every year, we set a new record in handgun deaths: since 1988, handgun murders—which represent 75 percent of all firearms murders—have gone up each year by nearly 1,000 deaths.

Handguns are involved in an average of 33 rapes, 575 robberies, and 1,116 assaults every day. Handguns are responsible for 70 percent of all firearms suicides, about 3,200 of which every year are teen suicides; and it is a disgusting, terrible fact that these guns constitute the most efficient, effective, and lethal suicide method.

I. GUNS AND EDUCATION

Yet access to handguns has become easier, not more difficult; and their owners, younger. Children not yet old enough to drive are matter-of-factly carrying guns on their person every day. Children take guns to school as if they were lunchboxes; they go to gunsellers, not to their teacher, to settle a fight with another student; and they bring guns, not toys, to classroom show-and-tell.

Can children obtain handguns? The answer clearly is "yes." In 1989, in a national student survey, nearly half of all tenth-grade boys and about one-third of eighth-grade boys said "yes," they could obtain a handgun. Eighth-graders are 12 years old.

Not only do these youngsters carry guns, they take these guns to school. Five years ago, an estimated 270,000 students carried handguns to school at least once; and roughly 135,000 boys—whom research reveals are far more likely than girls to choose guns as their weapon—carried guns to school every day.

And that was 5 years ago. Since then, the problem has become worse. According to a 1990 national survey, one out of every five eighth graders say that he or she has witnessed weapons at school. That should come as no surprise, considering the number of youngsters that pack a gun to go to school. In Illinois, 33 percent of high school students have carried guns to school. Texas reports that 40 percent of 8th- and 10-grade boys who were surveyed had carried a gun to school at least once.

Nationwide, a full 19 percent of some 11,000 students—again, one in every five students—surveyed by the Centers for Disease Control admitted that "yes," they had carried a gun to school just in the past month.

I find these statistics to be absolutely stunning—and incredibly depressing. We are talking about young children.

Given the number of gun-toting youngsters, it is no wonder that gun incidents at school are becoming far more frequent. California officials have reported a 200-percent increase in student gun possession incidents between 1986 and 1990; Florida, too, has reported a sharp jump in student gun incidents. Here in the Washington area, in nearby

Prince Georges County, 23 incidents—more than twice the number of last year—involving guns, on school property have occurred since July, and we have not even finished the school year yet.

In nearly every instance these guns were handguns.

Right now, there is so much violence, and so many guns, at schools that some students are scared to go to school. According to the Department of Justice, 37 percent of public school students nationwide fear they will be the subject of an attack at or on the way to school. So what do these children do?

One method of protection is simply to stay away from school, and some children do. An Illinois study reports that 1 in 12 students is so scared of someone hurting them at school that they are staying home to avoid facing that risk.

But students cannot play hookey forever, and another, increasingly popular, way students conquer their fear is to carry a handgun for protection. They take their new-found security blanket to school; and the presence of that gun in turn feeds the very fear it was meant to assuage. Other students are driven to take their own protective measures; and the whole horrible ripple effect goes on.

The end result? Our schools, designed as places of learning, now are becoming places of tension and violence. It has come to the point where many urban schools conduct random gun searches, and safety drills include dropping to the floor at the first sound of gunfire. Meager school budgets must find money for metal-detectors, and for security guards to monitor the equipment. That is the last thing on which our schools should have to spend limited resources—those funds should be going toward textbooks, more teachers, or classroom and sports equipment.

But what choice do school administrators have? Children are learning to believe that guns are a way to resolve their problems. In earlier times, a student dispute might mean a fistfight after class. Now the quarrel often is settled—quite openly—with a gun. Just over a month ago, a 16-year-old boldly walked into a Potomac, MD, high school chemistry class and fired his handgun at point-blank range at his intended student victim, who somehow miraculously escaped the bullet.

This is an ever-more common pattern. Look at Jefferson High School in Brooklyn, where in the course of a dispute, a student killed one teen and another young innocent bystander, bringing the death toll—a death toll for schools—for this school year to 56. Look at the Crosby, TX, high school, where a 15-year-old girl shot a 17-year-old boy in the lunchroom for insulting her. Look at the third-grader in Chicago who pulled a handgun from his bookbag and shot a student in the spine. Look at the 11-year-old in Clinton, MD, who brought a fully loaded .38 caliber revolver to school to "impress his friends." And look at my own State of Rhode Island, where 3 weeks ago police confiscated a handgun from a 15-year-old junior high school boy who was waving it in front of other students in the school hallway.

"We've never seen a year like 1991–92," says the head of the National School Safety Center, referring to new highs in school gun violence.

No wonder 10 percent of parents at every income level worry about their children's physical safety. No wonder a recent "Dear Ann Landers" column on guns in schools provoked more than 12,000 responses from angry and worried parents, and resulted in a second day's column devoted solely to the printing some of these responses.

Children who are not yet 18 years old are becoming inured to the violence that is not only on the streets, but in their schools. They are becoming accustomed to the notion that guns help you get what you want—be it an added measure of safety, new respect, or some quick cash.

That acceptance is dangerous. We cannot afford to bring up future generations who are hardened and deadened to a culture of violence.

Let me share with my colleagues a story so bizarre, so horrifying, that it seems more like a fiction than fact. In my State of Rhode Island, just a few weeks ago, a teenage boy was given a class assignment to "write an interesting story." The three-paragraph essay he turned in was entitled "Man Killer." It consisted of an interview with his 14-year-old friend about what it felt like to kill a local shopkeeper. Let me read (verbatim) the first few lines:

> What it feel like thinking how a killer feel like. Well, it feel normal, said the "killer." Its just like stepping on a cockroach. * * * I feel bad for the guy said the killer. But I had to do it.

The boy's teacher, uneasy, and not sure that the story was actually fiction, turned the paper over to the police. With it, they were able to arrest the 14-year-old suspect.

I warn my colleagues: increasingly in our schools children are exposed to guns, children are becoming used to guns, and children are using guns. and these are children—gun use can start as early as at 8 years old.

This is appalling. We are desperately trying to improve our educational system. Schools, already burdened with many responsibilities, have more than enough problems to deal with right now. We have youngsters with learning difficulties, youngsters who do not get enough to eat, youngsters with drug problems, youngsters from totally shattered families. And now it appears that we cannot even guarantee children a safe place to work and to learn. This is outrageous. And it is simply intolerable.

How exactly are children to learn anything if they live in fear of walking down the hall and walking into some fatal, senseless dispute? They can't. If we cannot even guarantee children, parents, and teachers that they will be safe in school, any new and innovative ways of improving our education system will be useless.

Is this the way our Nation becomes competitive? Is this the way we prepare for the next century? No.

II. GUNS AND HEALTH CARE

Let me turn to the cost exacted by guns to our health care system.

Gun-related violence is choking city emergency departments, hospital resources, and indeed our entire health care system. We pay dearly—not only in terms of moneys, but in terms of precious time and resources—to patch up those who have been shot by a gun. Often, the more serious the wound, the higher the costs—and the higher the likelihood that the person will not make it. Bone-shattering, nerve-cutting gunshot wounds and gunshot deaths place incredible stress on our health care system and are major contributors to its ever-escalating costs.

What are the health care burdens and costs associated with gunshot wounds? Let us take a look at the number of firearms deaths and injuries.

How many firearms-related deaths do we suffer each year? Thousands: about 60 percent of the 23,000 annual homicides are firearms-related, and 75 percent—or around 10,000—of these involve handguns. And these account only for those deaths that are willful and intentional; adding in the accidental firearms deaths boosts the annual number by another 7 percent or 1,500.

Now let us turn to firearms injuries. According to a 1991 General Accounting Office estimate, every year more than 65,000 Americans—180 per day—are injured seriously enough to be hospitalized for firearms injuries. About 12,000 of these are estimated to be victims of accidental injury; the remaining 53,000 or so are thought to have received intentional injury.

I want to again emphasize here that handguns play a particularly prominent role in firearms deaths and injuries. In 1990, handguns were the weapon used in at least 10,000 murders, which is about 43 percent of all murders. As for handgun injuries, an estimated 15,000 persons are shot and injured by handguns during the course of a crime; virtually all—95.5 percent—of those wounded required medical attention and care.

These injuries place a huge burden on health care providers. "We used to see one or two major trauma victims a day * * * usually car accidents or falls," says the chairman of the emergency medicine department at a major California hospital. "Now, we see probably four to eight every day, and of those, 30 to 40 percent are gunshot wounds or

stabbings. The other evening, we had five gunshot wounds in 3 hours, and the ages were 12, 15, 16, 19, and 22." An emergency room doctor in New York adds: "Knives are passe, Today, everybody has a gun. * * * As proud as I am of the advances of trauma technology, I must tell you that the weapons technology has outstripped our therapeutic skills."

Emergency rooms and hospitals providing trauma care are reeling from the added demands of gunshot victims to the overwhelming caseload they already carry. One-third of community hospitals now are reporting emergency department gridlock at least weekly. They just cannot handle it. Gun wounds increasingly contribute to this turmoil.

No wonder the American Medical Association, the American College of Emergency Physicians, and the Emergency Nurses Association all endorse handgun control provisions. Their members have the grisly job of cleaning up the bloody mess of gunshot wounds.

The financial drain caused by this carnage is staggering. A 1990 Bureau of Justice Statistics report concluded that 68 percent of victims of handgun injuries incurred during a crime required overnight hospital care; 32 percent remained in the hospital for 8 days or more.

Hence, the costs associated with gunshot wounds are tremendous. Eight years ago, three researchers at San Francisco General Hospital calculated that the hospital bill for patching up gunshot victims—80 percent of whom had handgun wounds—ranged from $559 to $64,470 per patient. The average cost was $6,915; and the average stay, 6.2 days.

Recent data, compiled in the past few years, reveals even greater costs: the American College of Emergency Physicians reports that based on data collected at a major hospital during the 1989–91 period, the cost per gunshot victim ranged from $402 to $274,189. The average cost? $9,646. The average stay? About 7 days. Another study, conducted during 1988–90 at the University of Arizona Emergency Medical Research Center, concluded that gunshot costs ranged from $9,800 to $125,300 per victim. Again, the average cost per gunshot victim was high: $16,704.

Think of that: if the average cost is $16,704, and the estimated number of total gunshot injuries is 65,000, the annual cost of hospitalization for firearms injury is at least $1.1 billion. And this amount does not include additional charges, such as those for physician services, ambulance services, follow up care, and rehabilitation.

This is an important point: health care for gunshot victims does not stop when they are discharged from the hospital. For some, it is just the beginning. In too many cases, the bullet or bullets cause permanent damage for which intensive rehabilitation is necessary.

Thus, up the costs go again. Since firearms are responsible for a substantial number of all traumatic spinal cord injuries, let's take as an example spinal cord injury rehabilitation. At one typical rehabilitation center specializing in spinal-injury treatment, a full 35 percent of the spinal patients are gunshot victims, second only to the 40 percent of automobile victims. The center's daily—daily—per patient rate for care is $1,500.

How many days do these patients stay? Depending on how fully or cleanly the bullet has severed the spinal code, the spinal injury patients suffer partial or complete paralysis. Paraplegic, or partially paralyzed, patients usually receive around 75 days of care, during which time they receive intensive occupational and physical therapy. Cost: $112,500. Quadriplegic patients, those paralyzed in all four limbs, usually stay for 5 months. Cost: $225,000. This cost is incurred in addition to the $100,000 that is commonly required for acute care of such serious injuries.

Amazingly, and sadly, fully half of the gunshot spinal injury patients at that rehabilitation center are under age 25.

When you add up the costs, from the initial emergency room care and accompanying hospital stay, to the ambulance services, follow-up visits, and rehabilitation treatment, the overall cost of firearms to our health care system is colossal: an estimated $4 billion, according to the chair of the 1991 Advisory Council on Social Security.

Who pays this monumental bill? Who else?—the taxpayers. An estimated 86 percent of the staggering costs associated with firearm injury are paid by Government sources.

What people just do not seem to realize, or to think much about, is that guns are as significant a cause of harm, and expense, to individuals as are motor vehicles. We hear quite often that injuries are a leading cause of death in the United States, and that motor vehicle injuries account for a significant portion of these injuries. Yet most don't realize that guns rank right up there with motor vehicles.

According to data compiled by the injury prevention network, 32 percent of all fatal injuries are caused by motor vehicles; firearms follow in second place with 22 percent. Combined, the two account for over half of all injury-related fatalities in the United States.

In fact, in 1990, firearms overtook motor vehicles to claim the dubious honor of being the leading cause of injury-related death in Louisiana and for the first time in Texas. In other words, gunshot wounds in those two States cause more deaths than automobile accidents. And while the incidence of motor vehicle deaths is going down, that of firearms deaths is going up.

Let us face the facts: guns cause great physical damage. That damage, in turn, is forcing the ever-rising costs of health care up, up, up.

III. SUMMARY: WHAT CAN WE DO?

In sum, we have scared children, we have scared parents, we have terrible, bloody violence, and we have terrible gun-related health and societal costs.

It is time to wake up. This is a matter that affects all of us. There are many who think: "Well, that gun problem is limited to drug dealers killing other drug dealers, and anyway, it only happens in those low-income neighborhoods."

To those who comfort themselves that this is someone else's problem—a low-income neighborhood's problem, an urban problem, a minority problem—to them I say, "Wake up!" We all need to care, and not just because the problem is spreading, but because are talking about children to whom we as a society have a responsibility. They deserve our protection.

Other industrialized nations do not tolerate handgun slaughter. Canada, which like the United States has a Wild West pioneer heritage, has stronger gun control laws and an annual firearm-related death rate of around 1,400—only about 180 of which are gun homicides. Those statistics are much higher than those in European nations, but they are negligible in comparison to our 23,000 firearms murders. As for handguns, less than 300,000 Canadians own one. We Americans own 66 million, and if handgun manufacturers like the Jennings family have their way, we can look forward to being flooded with thousands more cheap $35 models in the near future.

Guns cause terrible damage in this country, yet we do little to prevent it. Have we simply become accustomed to the killings? Are we compliant witnesses to the "terrible stillness of death"—as one witness to a violent shooting called it—now being heard around the country?

We are a caring nation; a nation of people who are appalled at these acts of devastation. We must not become inoculated to such violence.

Steps have to be taken in this country. I am going on record today to say that more must be done—and I am talking about measures to restrict the incredibly, insanely easy access to guns in this country. In the next week or so I will present to my colleagues what I consider to be the best solution. It is time to act. We cannot go on this way.

I thank the Chair. And I thank the distinguished Senator from Hawaii for waiting.

Mr. INOUYE. Madam President, will the Senator yield?

Mr. CHAFEE. I yield.

Mr. INOUYE. I commend my friend from Rhode Island for this extraor-

dinary statement. I am glad I was here to listen to him.

I just hope that my colleagues in the U.S. Senate will take the time to acquaint themselves with the horrendous statistics that the Senator presented today. It must be made must reading because I thought I knew just about anything that can be known about handguns. I did not realize it was this bad.

I commend the Senator.

Mr. CHAFEE. I thank the distinguished Senator very much.

I do not know what they do in this area where they have a relatively confined and I suppose controllable situation where they can take measures at the State level which we would find difficult in the continental United States where our borders, any State's borders, are so relatively accessible to another State's borders. In other words, to go from the central part of any State to the next State, in most parts of the United States it is pretty easy and so getting control of this situation is extremely difficult on a statewide basis, but in Hawaii it is somewhat easier. I assume. I do not know what measures they are taking. But I am going to address the solution to this problem next week.

Mr. INOUYE. I am pleased to tell the Senator that last year Hawaii had 29 homicides, as compared to nearly 500 in this city.

Mr. CHAFEE. That is a remarkable record for Hawaii. They have such fine people out there that they do not go out around shooting each other. The Senator said 29 homicides out of a population of what?

Mr. INOUYE. Over a million.

Mr. CHAFEE. Just a million. That is a remarkable record, particularly when we look around this city that we live in, Washington DC, whereas as the Senator points out there were over 400.

Mr. INOUYE. I think it is 469.

Mr. CHAFEE. Something like that already this year.

I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Hawaii.

THE FUTURE OF AMERICAN SUBMARINE PRODUCTION THE SSN21–"SEAWOLF"

Mr. INOUYE. Mr. President, I support the *Seawolf*. I think President Bush was wrong to ask the Congress to rescind the funds it had appropriated for the production of the second and third ship in this modern, technologically advanced class of nuclear attack submarines. I believe the Secretary of Defense was mistakenly led to recommend that rescission to the President. To put the matter directly, it now appears that both the President and the Secretary of Defense were misinformed. The rescission, and not the submarine should be canceled.

Let me be clear: With the demise of the Soviet Union, the decision to cancel future funding of the *Seawolf* program may be appropriate; I will agree that we could stop the program after three submarines have been built. That would make the *Seawolf* a viable class of submarines. It could operate effectively, crews could be trained, maintenance could be scheduled to achieve cost efficiencies, and missions—which only the *Seawolf* can perform—could be successfully engaged. Yes, we could stop after three.

But to take away the funds already provided, to incur huge costs and have nothing to show for it, to threaten the industrial base for submarine production while endangering American technological leadership in nuclear submarines is a mistake. I know that. The Navy knows that. Americans who build submarines for our country and Americans who go under the sea in them, know the decision is a mistake.

Mr. President, I suspect that today both the President of the United States and the Secretary of Defense would, perhaps in a private moment, admit that it is a mistake.

Let us examine the facts. The President has proposed the rescission of $2,765,900,000 previously appropriated for the procurement of two SSN–21's. In addition, the President proposes the rescission of $189,400,000 already provided for SSN–21 training and support equipment. These rescissions are proposed as deficit reducing measures and, in each case, the President's rescission message said, "The Navy's ability to accomplish its mission successfully would not be affected by this rescission proposal."

Are these the real facts? No. Upon close examination they appear to be shadows in the smoke and mirrors game being played at the White House and the Office of Management and the Budget. The rescission of funds already provided by the Congress for the *Seawolf* would not save money. When the details are reviewed, Navy papers show little costs can be recovered. Moreover, with little budgetary savings to be achieved, this decision would rob the Navy of a significant capability and would have a pronounced negative effect on the Navy of the future and its ability to meet the objectives we will expect of it. Work on these submarines is underway, contracts have been awarded, and there are substantial contract liabilities which must be met if they are terminated.

When the fiscal year 1993 budget was sent to the Congress, supposed savings were identified. Later, when the Pentagon leadership began to more carefully examine the costs of terminating contracts—contracts which it had itself signed—it was found that savings would not occur. Oh, at first, it was said that substantial savings could be achieved because termination costs would be no more than $450 million. Then the estimate of these costs grew to $900 million, and more. Indeed, the most recent calculation by the Assistant Secretary of the Navy for Acquisition shows that termination costs will exceed $1.9 billion.

This is not just a matter of faulty estimating. In point of fact, the Navy did not know what the termination costs would be when the decision to rescind funding was made. In a hearing before the Senate Armed Services Committee on April 1 of this year, the Assistant Secretary for Acquisition was asked by Senator LEVIN if he knew what the termination costs would be when he recommended termination. The answer was "No."

Mr. President, some Members may wonder why money cannot be saved. Well, the answer is that the funds to build the second and third *Seawolf* submarines have not only been appropriated, but binding contractual commitments have been made by the Pentagon for advance procurement of equipment for these ships. Funds already so committed and expended cannot be saved by a decision not to build these ships. I have read the Navy documents which, in the clipped phrasing of Navy memos, state "Substantial majority of effort already expended." These documents show that little or nothing will be saved in equipment contracts.

For example, on ship sets of the *Seawolf* fire control system, the AN/BSY–2, the Navy says: "SSN–22 unit is required to complete R&D and insure timely delivery of lead ship set, estimated net recovery for termination of SSN–23 ship is negligible, however, due to anticipated cost impact to remaining R&D and SCN efforts." In other words, we could terminate the ships and have a lot of parts lying around, but we would not save money.

Mr. President, I do not believe that is what the Senate wants to do. It does not make any sense. The expenditures for equipment already procured and the costs of contract terminations are substantially greater than any savings assumed by the Pentagon. These are their contracts; they should know better.

Senators should ask themselves, if this were our idea, if we in the Senate suggested that the Department of Defense terminate a procurement program, and if we suggested that it do so even if that meant breaking contracts and absorbing the costs of equipment procured in advance of production, what could we expect? Surely, the President would rail against us and decry our actions; we would be accused of micromanagement. Well, Mr. President, the decision to terminate the *Seawolf* is not micromanagement on the part of the Pentagon—it is not management.

The proposed rescission of funds for the *Seawolf* will not save money; It will

cost money. Furthermore, it is clear that, if carried out, the decision would cost American technological leadership in Submarine warfare, it would endanger our industrial base, and it would place our naval forces in danger.

Mr. President, I am not alone in this belief. The former Chief of Naval Operations, the most senior military officer in our Navy has said:

> With termination of the *Seawolf* and cancellation of funds, President Bush and Defense Secretary Dick Cheney have put the future of submarine warfare and submarine technology in turmoil or a one-timer saving that gets smaller with every estimate.

Indeed, Mr. President, as I review the proposed rescission, I think the Secretary of Defense and the President ought to admit that they were mistaken.

Mr. President, I have made some broad assertions. Let me substantiate them. I wish to address three aspects of the rescission proposal:

First, I will add to what I have said already and address the question of costs and savings;

Second, I will address the question of American technological leadership and nuclear submarine construction; and

Third, I will address the importance of the *Seawolf* to future submarine warfare.

First, the costs.

The President proposes to save $2.9 billion through the rescission of funds provided for the *Seawolf*. The Navy now calculates that termination costs will be $1.9 billion. Without new submarine production, the shipyard which is now under contract for the SSN–21, Electric Boat, will go out of business. The Government will face additional shutdown costs of somewhere between $500 million and $1.5 billion. To this we must also add the sunk costs of approximately $1 billion already expended on design and construction of the SSN–22 and SSN–23 and on equipment procured in advance of production.

So, to save $2.9 billion, we would lose at least $3.4 billion and, perhaps, as much as $4.4 billion. The costs of this decision far outweigh the supposed savings. And we would have nothing to show for it. On the other hand, without the appropriation of additional funds, we can complete the production of SSN–22 and SSN–23, which, together with SSN–21, can form a valued and viable military asset.

Second, the industrial base and preservation of American technological leadership.

The *Seawolf* is the newest attack submarine in the world. It incorporates significant technological advances developed since completing the Los Angeles class design in the 1970's. Adm. Bruce Demars, the Director of Naval Nuclear Propulsion, has testified that, "the *Seawolf* will operate more quietly over the ship's entire speed range than the Los Angeles class submarine does sitting alongside the pier." Admiral Trost has testified that the attributes of the *Seawolf* "constitute major advances in submarine mobility, combat effectiveness, and survivability."

There is no question that the United States is the world leader in nuclear submarine construction. That commanding position will be eroded and, perhaps, lost forever, if the *Seawolf* is not built as a technological bridge to the future. As Admiral Trost has said:

> Unilaterally forfeiting world leadership in submarine design and construction, with the knowledge that it will be required in the future, is irresponsible. * * * The imperative to design, build and operate the most capable submarines has not changed. Today that existing submarine design is *Seawolf*.

In testimony before the Armed Services Committee on April 1 of this year, both Admirals Demars and Trost had similar observations about the need to actually build and operate submarines. In essence each said, you cannot maintain the construction and production skills required for submarines with design exercises or surface ship construction.

Mr. President, I do not believe anyone in this Chamber can fully appreciate the complex engineering, precision manufacturing, rigorous and comprehensive training and formal operating procedures which go into the production and operation of nuclear submarines. The fact is our country has done this and done it very, very well.

We have all seen the pictures of Soviet nuclear submarines limping along on the surface with smoke billowing out of reactor compartments. That American nuclear powered ships have steamed nearly 90 million miles and accumulated 4,000 years of operations without a reactor accident or release of radioactivity which has had an adverse effect on the crews, the public, or the environment is a tribute both to the Navy and to the contractors who have built them for us.

The preservation of the American technological advantage is not just a matter of building nuclear submarines. If costs were not a factor, we could restart the line and build more of the Los Angeles-class submarine. A restart, however, would be more costly than completing the three *Seawolf* ships. It is not just a matter of building nuclear powered ships. If rising costs do not prevent us from doing so, we will build nuclear powered carriers. But that would not maintain the unique skills and the manufacturing and testing regimes which submarines require. It is a question of building this class of submarines—the *Seawolf*—as a means of preserving both the base of skilled workers and the manufacturing capacities for submarine production.

It is a question of maintaining the technology as a bridge to the future. Paper designs alone will not work. We have to build to preserve.

Mr. President, last fall, Navy Secretary Garrett wrote to Senator LIEBERMAN urging him to support the *Seawolf*. He told Senator LIEBERMAN, "the *Seawolf* is absolutely vital to maintain our Nation's technological superiority in undersea warfare." In intensive discussions on the eve of our full committee markup of the fiscal year 1992 defense appropriations bill, Navy Secretary Garrett personally intervened and asked me to restore funding for the *Seawolf*. As has been noted, that was just 3 months before the President's State of the Union announcement that he would rescind funding for the *Seawolf*.

Mr. President, the senior civilian and military leaders of the Navy have testified to the importance of *Seawolf* construction to the preservation of the submarine industrial base and the protection of American technological superiority. The principal designer and manufacturer of nuclear submarines has testified on the importance of continuing *Seawolf* production. Electric boat has offered unchallenged testimony that, without the *Seawolf*, submarine production at the yard will be finished—for all time, Mr. President, for all time. These are the people who have delivered the safest, most effective submarines in the world. I believe them.

On the other side of the scale is a hastily contrived decision which is justified as a cost saving measure and which does not measure up. How many here know that the Deputy Secretary of Defense, Mr. Atwood, commissioned a study on submarine industrial requirements after the termination of *Seawolf* was announced. The decision was unfortunately made before the study was begun and before the submarine industrial base options were understood. Mr. President, I think that is a telling indictment of the process which led to the decision to rescind funds for the *Seawolf* and put America's submarine industrial base in peril.

And now, Mr. President, I come to my third assertion, that the *Seawolf* is important to the future of submarine warfare.

In a very courageous statement before the Armed Services Committee, Admiral Demars said that in his personal professional opinion we should continue production of the *Seawolf*. As the director of naval nuclear propulsion he was concerned about maintaining the nuclear submarine industrial base, particularly the base of sub-vendors, many of whom make limited quantities of items uniquely designed for nuclear submarine propulsion units. But he also spoke of the military utility of the *Seawolf* in the context of the post-cold war environment. Admiral Demars said, "the former Soviet fleet is intact and still the world's largest submarine force. And their third generation submarines are significantly better that their predecessors."

He also said, "attack submarines, because of their stealth, mobility, and endurance, are also ideal platforms to help deal with regional conflicts. Attack submarines can arrive on station unsupported, without risk to escorts and need for logistic trains. They can collect intelligence, launch cruise missiles ashore, land special forces, lay mines, and clear the area of enemy ships." Mr. President, I hope we will never have to make use of these capabilities, but history would indicate that we must be prepared.

Mr. President, many attributes of the *Seawolf* are and must remain classified. However, expert witnesses have told the Senate in open hearings that the *Seawolf* has:

A tenfold improvement in stealth—that is, quietness—over the improved SSN-688 class, a major increase in tactical speed, the maximum speed at which the submarine's sensors are fully effective, and a highly automated combat system with rapid target localization, a key feature when up against very quiet diesel-electric or nuclear submarines.

These are significant improvements because they will permit the *Seawolf* to operate effectively against the very quiet diesel-electric submarines presently being acquired by regional powers who may one day be hostile towards the United States. Because of its improved technologies, the *Seawolf* can operate more effectively in shallow waters, a not inconsequential consideration when the depth of the Straits of Hormuz or much of the Indian Ocean or the South China Sea is measured.

Mr. President, 90 percent of the supplies for Operation Desert Storm moved by sea—over 8,700 miles one way. Because Iraq did not have a navy of any consequence, this was a logistics rather than a military problem. But we will not always be so lucky, Mr. President. Our geographic position dictates the requirement that we maintain the wherewithal to control the seas or risk becoming isolated. We are a maritime nation. Exports now comprise 25 percent of our manufacturing output, up from 10 percent in the 1970s. The United States must maintain a strong Navy capable of protecting our national interests, our allies, the sea lines of communication so vital to our economic well-being.

Mr. President, I will conclude my remarks. I believe I have demonstrated that the decision to rescind funds appropriated for the *Seawolf* was an ill-considered decision which we should reject because cancellation of the *Seawolf* will not save money; it will destroy the submarine industrial base and irresponsibly surrender the American technological advantage in nuclear submarine production and design; and it would rob the Navy of a significant capability and would have a pronounced negative effect on the Navy of the future and its ability to meet the objectives we will expect of it.

And so, Mr. President, I support the *Seawolf*.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all, before the distinguished Senator from Hawaii leaves, I would like to commend him on his statement. I heard his entire statement and that is the reason I stayed, because I wanted to hear what he had to say. It seems to me he laid out the arguments as well as anybody possibly could.

What particularly appealed to me was the accent that he made on what we call the industrial base, which is a term that is kicked around a lot around this place, but it seems to me what the Senator from Hawaii was saying is that these are very unique skills that are not readily transferable to something else.

As I understand it, and certainly I firmly believe it, if we do not continue to build these *Seawolfs* at a very modest rate—I think the original goal was something like 14 and now it is down to 3—so there is no question but that there is a peace dividend there. I thought the point the Senator made was that he pays tribute not just to the U.S. Navy and the safety record that has been achieved, but he also pointed out the suppliers, the record that they have achieved in supplying the U.S. Navy with these goods that meet very high tolerances.

And thus we have had this remarkable record. I could not repeat how many million miles of steaming hours the Senator said they have had and how many, I believe the Senator said ship years.

Mr. INOUYE. 4,000.

Mr. CHAFEE. 4,000 ship years without any——

Mr. INOUYE. Without a single accident.

Mr. CHAFEE. Without a single accident, which is remarkable. And as, of course, the Senator has pointed out, we have, indeed, seen pictures of these Soviet submarines under tow or just simply limping along, as the Senator pointed out, with the smoke billowing from them.

I commend the Senator from Hawaii for his very fine statement; and second, I thank him for the wonderful support he has given in furtherance of the points he is making toward this *Seawolf* program. The Senator has been a stalwart, and all of us from the States affected are very grateful to him.

Mr. INOUYE. Mr. President, I am most grateful for the gracious remarks. But as chairman of the Defense Appropriations Subcommittee, may I assure my colleagues that I would not be here supporting the *Seawolf* if I did not believe it was in our national interest. It is in our national interest.

If I may respectfully correct my colleague, the original plan was to build 29 *Seawolfs*, and we are just building 3; just about 10 percent. This is a major departure from our original plan. Without the three, we will not have a working unit to bring about cost effectiveness. But all in all, just from the standpoint of money, because that is our major concern at this moment, we would be saving money by building these three. If we followed the President's recommendation, it would cost the taxpayers $4.4 billion. There will not be any savings.

So I thank my colleague.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I also commend and congratulate the Senator from Hawaii on his thoughts and express my delight and joy at his conclusion that the *Seawolf* is very much in the national interest. I appreciate that.

I think that the influence of sea power on history, as was written by Alfred Thayer Mahan about 100 years ago, is just as valid today as it was when he wrote it 100 years ago. And in the end, it is not the airlanes that control the military position of one's adversary as much as the sealanes.

I am also, speaking parochially, delighted with Senator INOUYE's conclusions about the national interest, because that also is a great source of comfort to my constituents in Rhode Island.

Mr. INOUYE. I thank the chairman of the Foreign Relations Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Chair.

Mr. President, I see my distinguished colleague from the State of Washington, Senator GORTON. I wonder if he, too, was seeking recognition at this time. I am in no hurry if he desires to go before me.

Mr. GORTON. He was, but he recognizes that his friend from Arkansas was here first.

DIRECT ELECTION OF THE PRESIDENT

Mr. PRYOR. I thank my friend from Washington.

Mr. President, I am going to speak just a few moments this afternoon. The hour is late. But I did want to inform my colleagues, Mr. President, through this very short presentation, that on Tuesday or Wednesday of next week I will be introducing a Senate joint resolution that would abolish the electoral college and provide for the direct election of the President and Vice President in this country.

This is a Presidential election year. As we know, it happens each 4 years. And during that time, it serves not

only as a rare but, I must say, a precious opportunity that we as Americans in the democratic system are granted to choose a new leader, and sometimes to retain our present leader. But what we lose sight of in this country is that actually we as Americans and we as voters do not directly elect our leader. We do not directly elect our President. We vote for electors, a mysterious group of citizens. We do not know their names. They meet, and they cast their vote in a very, very fascinating environment, creatively called the electoral college.

Mr. President, under the present law and the two constitutional provisions which generally guide us in this process—that would be the 12th amendment to the Constitution; and parts of that amendment, Mr. President, have now been superseded by the 20th amendment to the Constitution—they furnish us the cornerstone of our Presidential election process that is unique to our system.

Each of us in this body is elected directly by the people; the other body is also elected directly by the people to membership therein. Members of our school boards, our city councils, our country officials, our State Governors, our State legislators, everywhere throughout our system we find that our officials and our leaders are elected directly by the people.

When I first came to this body in 1979, one of the first debates I had the privilege to have been engaged in was on this very issue, the issue that I point up this afternoon, whether or not our democracy should have a direct election for President, or whether we should retain that mysterious electoral college system that we have had for almost 200 years.

Mr. President, after the debate in 1979, ultimately that question was resolved by fewer than enough Senators. Some 51 Senators voted in favor of abolishing the electoral college and 48 voted in opposition. However, it takes two-thirds of this body and the other body to refer such a resolution to our respective State legislatures, and then three-fourths of those bodies must ratify our action.

This resolution is something, Mr. President, that would not affect the election for President in 1992. This is an issue, Mr. President, that I bring before the Senate and will bring before the Senate in a more detailed fashion early next week because I think it is time once again, for the first time since 1979, that the U.S. Senate involve itself in debating this issue whether or not we should elect our Presidents by a direct popular vote.

In 1969, there was another debate, Mr. President. This debate centered in the House of Representatives where an overwhelming number of the Members of the House—I was a Member of that body at that time—voted in favor of a direct election for President of the United States.

I might add, as a little bit of trivia for late Thursday afternoon, that one of the Members of the other body, the House of Representatives, who voted for the abolition of the electoral college and in favor of the principle of a direct popular vote was then a young Congressman from the Houston area, Congressman George Bush, who supported the direct election for President of the United States.

Mr. President, I think that our democracy and our country and our people, with our system of communication, our system of transportation, with our system of being able to be made instantly aware of events, instantly aware of positions, with the coming of C–SPAN, all the cable systems, the evolution of television, and all of the rest of those occurrences and events in our generation—I think that our democracy and our country have reached the maturity where today the people themselves, in a direct popular vote, should choose the President of the United States.

We have 538 electoral votes. There are 100 from the Senate, 435 from the House of Representatives, and 3 for the District of Columbia, making a total of 538 electoral votes. If a candidate seeking the Presidency does not receive at least 270 of those electoral votes, then Mr. President, this election is still not placed directly in the hands of the people, this decision is placed in the House of Representatives. In the House of Representatives, should that event occur—and it has occurred in the past—each State is given one vote. And when one candidate receives 26 votes, that candidate is the President of the United States.

Further, Mr. President, under our present system, the U.S. Senate, not the House of Representatives, chooses the Vice President of the United States.

So we could have an event or an occurrence where the Vice President of the United States would be chosen by the Senate, and it could be a Democrat. Over in the House of Representatives, the other body, the President of the United States could be a Republican.

There are all kinds of scenarios that make us wonder why in the world we risk this potential constitutional crisis and dilemma. Why gamble, when I think we have in our country the wisdom and, once again, the maturity to directly vote for President of the United States.

Mr. President, in 1979, as a matter once again of information for our colleagues, the idea of a direct popular vote was supported by liberal and conservative groups. For example, the American Bar Association, the U.S. Chamber of Commerce, the United Auto Workers, the League of Women Voters, the National Federation of Independent Businesses, National Small Business Association, American Federation of Teachers, AFL–CIO, Common Cause—a whole host of organizations representing several aspects and segments of our society and our economy supported a direct election.

So, Mr. President, next week I am going to further discuss why I believe that we should have a direct election for the President. I will be discussing some of the aspects of a Senate joint resolution that I will be introducing. In fact, this afternoon while visiting with my colleague from Oklahoma, Senator BOREN, I was asked if I would not include him as an original cosponsor.

I certainly will be proud to have his support because, once again, in 1979 when he, too, was a very new Member, only having arrived a few months before, this was one of the very first major votes that the Senator from Oklahoma and the Senator from Arkansas, and others during that period, had the opportunity to deal with and to vote for or against. Senator BOREN joined the majority of the Senate in supporting a direct election for President.

Mr. President, it is now time to revisit this issue. It is the proper time. It is an election year for President. And it is a time when we should rethink this. This is a serious question. It should not be taken lightly.

I think it is time we have not only a debate in this body, but we need to have a debate in this country to see whether or not it is time to make this change, and vote for our President directly without having Presidential electors cast our vote in our behalf.

Mr. President, I thank the Chair.

I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to speak very briefly. First, I thank the Senator from Arkansas for his very fascinating remarks. I look forward eagerly to seeing the resolution and to hearing the further arguments. We certainly have to make some changes in the way we select our Presidents. I am eager to look at the polls by the Senator from Arkansas.

THE RODNEY KING VERDICT

Mr. CRANSTON. Mr. President, nearly 127 years have passed since slavery was abolished. Yet our country still suffers, almost daily, from the remnants of that great evil. Only strong, courageous, moral leadership can bring it to an end.

By now, we have all seen the images of a smoldering, charred, and smoke-filled south central Los Angeles where the Watts riots occurred almost three decades ago. We all wonder what progress there has been since that unhappy time. We know about the tragic

deaths and destruction of property that have occurred within the past 24 hours. And while I decry the senseless destruction of life and property, I am also stunned that the four officers charged with viciously assaulting Rodney King were acquitted on virtually all counts.

Racism is a cancer in the very soul of America. It besmirches everything good that America stands for. It diminishes us not only in the eyes of the world, but in our own self-esteem. I join with my Senate colleagues who urge Federal action in this matter.

We call on President Bush, as the leader of our country, to condemn, unequivocally, racism in all its evil forms. Our President should solemnly pledge to do all in his power to root out racism in America. Similarly, Bill Clinton, Jerry Brown, Ross Perot, and others who aspire to the Presidency should speak out loud and clear now and through the rest of the campaign against the un-Americanism of racism.

They should tell us in specific terms what they intend to do, what they will do, to eliminate racism in our land, if they are elected.

Earlier today, I wrote to Attorney General Barr and encouraged his investigation into this matter. I add my voice to those who understand that while our system of justice has performed, justice has not been served.

Mr. President, I ask unanimous consent that the full text of my letter to Attorney General Barr be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 30, 1992.

Hon. WILLIAM P. BARR,
Attorney General, Department of Justice, Washington, DC.

DEAR WILLIAM: I am writing with deep concern about the current status of the case involving the video-taped beating of Rodney King by four Los Angeles Police Department officers.

On March 25, 1991, I contacted then-Attorney General Thornburgh to request that the Justice Department review policy brutality complaints against both the Los Angeles Police Department and the Los Angeles County Sheriff's Department. Then, as now, I unequivocally encourage and support your Department's investigation into possible violations of Mr. King's civil rights.

By now, most of us have seen the savage and unmitigated beating suffered by Mr. King at the hands of the four officers. The computer messages transmitted between officers on the night of Mr. King's thrashing reveal callousness and racial bias among some police officers. Though a jury has definitively spoken with regard to the state criminal charges against the four officers, I hope that a prompt and serious federal investigation under your direction will answer the questions that many Americans have regarding this matter.

Cordially,

ALAN CRANSTON.

Mr. CRANSTON. Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

HOMELESS VETERANS

Mr. GORTON. Mr. President, the men and women who serve in the Armed Forces are, to this Senator, heroes of the highest order. They have risked, and all too frequently sacrificed, their lives for their fellow soldiers, sailors, and airmen, for the principles for which this Nation stands.

The discipline and pride gained while serving in the Armed Forces helped many veterans adjust to a prosperous life outside of the military. After serving their country on the battlefield, most of these veterans came home to pursue careers and raise families. Many of these veterans settled in my home State of Washington and are outstanding citizens.

Unfortunately, Mr. President, some have not been so fortunate.

I speak of the thousands of veterans who, although they sought both a career and a family, have been unable to adjust to the world off of the battlefield. As a result, many have taken to the streets and are now part of the growing homeless population in the United States.

As one of the four States of the Nation with the largest numbers of veterans and active-duty military personnel, Washington State is home to more than 500,000 veterans. I have recently come to discover, however, that veterans comprise some 35 percent of the homeless population of my State. I consider this a disgrace.

Four years ago, a Homeless Veterans Reintegration Program was established to provide needed assistance to homeless veterans in 15 cities across the Nation. Since its genesis, the Homeless Reintegration Program has had tremendous success in locating and helping homeless veterans reintegrate themselves into the labor force by teaching them important job skills.

Washington State has been cited as the "national model" for homeless reintegration. Projects in Seattle, Tacoma, and Olympia are showing overwhelming success in seeking out homeless veterans, successfully placing more than 1,600 of them in the past 4 years at a cost of about $470 per placement. The overall placement percentage is about 40 percent.

The average amount of time spent training these veterans is 41 to 45 days. In other words, Mr. President, outreach workers are literally taking veterans off the streets and, after not much more than 1 month, returning them to society, which is a truly exceptional accomplishment.

The National Coalition for the Homeless reported that HVRP outreach workers located 10,000 homeless veterans and found jobs for 2,200 of them in their first year of operation. These numbers are a good indication that HVRP is making a dent in our homeless population all across America and should be given the opportunity to continue at its current pace.

The administration and Congress approved funding for HVRP at just more than $2 million in fiscal year 1991, and then cut funding to $1.36 million in fiscal year 1992. Although the Senate Veterans' Affairs Committee recently introduced legislation to increase funding for HVRP in the upcoming fiscal years, this 1-year shortfall of $652,000 will seriously curtail, if not close, some of the HVRP programs just as they are gaining momentum.

Although the HVRP funding uses a relatively small amount of money, that modest amount is what keeps these programs alive. In Washington State, for instance, one of the three programs may be forced to close if those funds are not reinstated. If these funds are restored, however, and additional funds approved, the HVRP program in Washington can continue to operate at its current level and perhaps expand its operations to the eastern part of the State where it could attend to the needs of Native American and Hispanic veterans, among others. The men and women who work with our homeless veterans, many of whom were once homeless veterans themselves, tell of how establishing trust is critical in the process of getting the veterans off the streets and bringing them back into a productive role in society.

Outreach workers in Washington State and across the Nation are gaining this trust and helping homeless veterans to find the self-esteem necessary to become contributing citizens in our society.

Mr. President, it is never too late to recognize the invaluable contributions of anyone who has risked his or her life to protect and promote democracy. These veterans deserve a second chance. The homeless veterans reintegration projects are giving them this chance and should receive our enthusiastic support.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I may speak as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE *SEAWOLF* PROGRAM

Mr. DODD. Mr. President, I want to thank the distinguished Senator from Hawaii [Mr. INOUYE] for his recent remarks on the floor of the Senate regarding the *Seawolf* program and the proposed rescission of that program by the President and the Pentagon.

Today, the full Appropriations Committee voted out a rescission package,

which does not include the second and third *Seawolf*. That is largely due to the leadership of the Senator from Hawaii, who is chairman of the Defense Appropriations Subcommittee, and I might say, as well, members of that committee on both sides of the aisle, who have the chance to hear the arguments and to discuss the importance of that program.

Mr. President, I will make a longer statement next week regarding this program but I did not want to miss the opportunity this afternoon to commend the Appropriations Committee for their decision.

Clearly, as the Senator from Hawaii has pointed out, if there were a case where the dollars were to be saved as the President had suggested then this would be a difficult call, and I suspect most of my colleagues here might support that proposal, but as we know how with the Pentagon's numbers changing by the hour the cost of terminating that program could vastly exceed the cost of completing the program and maintaining our industrial base which is a critical issue as we try to maintain our technology in this vitally important area not only for the remainder of this decade but into the next century.

The Senator from Hawaii laid out those arguments and the numbers in detail, and I will expand on those comments later next week. I wanted to thank him and his staff, Richard Collins, and others, for doing the number crunching, and the hard work, and asking the tougher questions to determine whether or not this program deserved the support of this institution and the American public. They have made that case not on the basis of any other reasons than they felt this was in the best interest of our country, and I believe that to be the case.

It is always, I suppose, a little more difficult if you are a representative from the State where the affected program is involved, and I realize that there is always a degree of suspicion about a Senator from any State arguing on behalf of a product that is made in that State.

I realize and appreciate the willingness of my colleagues to listen to those arguments, but when the Senator from Hawaii who is as far away from my State as you can geographically be makes the case as the chairman of the Defense Appropriations Subcommittee with no ax to grind whatsoever in this particular matter other than trying to do what he thinks is in the best interest of maintaining that industrial base and maintaining that critical force, then I think the arguments carry that much more weight.

So, again I thank my colleagues on the committee. I particularly thank Senator INOUYE, and look forward to the debate next week when the rescission package comes to the floor of the Senate.

Again I thank my distinguished colleague from New Jersey for his generosity in allowing me to speak these few moments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

INJUSTICE IN LOS ANGELES

Mr. LAUTENBERG. Mr. President, I want to talk about something that stunned the Nation in the last 24 hours, the decision by the jury in Simi Valley, CA. My colleague, Senator BRADLEY, made remarks on the floor that eloquently discussed the injustice that seems to have been done.

We know that there was a jury of peers that made the decision. We were not there to listen to all of the arguments. We were not there to see how the defense presented the evidence. And so we don't know exactly how the jury reached its conclusion. But most Americans have repeatedly viewed the shocking and horrifying tape of the assault on Rodney King that fateful day more than a year ago.

We do not know what he might have done to threaten or frighten the police officers. But one thing was obvious. This man was on the ground. He was being brutally beaten. He obviously had seen subdued, and yet the blows continued on and on.

Again, not having been there to hear the defense present its case, we cannot say what controlled the jury's decision. But no one who saw those tapes, who witnessed that beating through the video pictures, could be other than shocked and horrified by the outcome.

It is my understanding that the Attorney General will be reviewing the case. I hope so. Because the message that unfortunately emerges from this trial loudly and clearly is that sometimes justice is administered based not on the law, but on who you are.

I know many people here in the Senate have been stunned by the trial's outcome. When I told some about the verdict, people who believe that fair justice, equal justice, is at the core of our democratic society, you could see their back stiffen and their head go erect. There is a sense of shock, disbelief, and, frankly despair at what looks like a total miscarriage of justice.

Mr. President, it is worth noting that our system does work, most of the time. But, like any system, occasionally it goes awry. And certainly, from all appearances this seems to be one such time, based on the video tape, the cynical, sarcastic jokes and remarks of the policemen afterward, and the testimony of one policeman who agreed that the force used was excessive. Clearly, Mr. President, something went wrong, very wrong. And the whole Nation must reflect long and hard about that.

AVIATION NOISE IMPROVEMENT AND CAPACITY ACT

Mr. LAUTENBERG. Mr. President, I want to talk about a statement that Senator FORD from Kentucky made earlier today. Senator FORD made several statements relating to a matter of great importance to me and to many residents of the State of New Jersey and the New York-New Jersey metropolitan area.

He spoke specifically about the plans of the Port Authority of New York and New Jersey. That is the agency that runs the principal commercial airports in our region: John F. Kennedy International Airport, LaGuardia Airport, and Newark International Airport. It also owns Teterboro Airport, one of the largest generation aviation airports in the country.

The port authority wants to accelerate the pace of noise reduction in our area. New Jersey is the most densely populated State in the Union. We pack in more people per square inch of property than does any other State. We fight very hard for a decent quality of life as a result of that crowding and one of the most unbearable things is noise as aircraft take off and land at our airports.

I happen to live in a flight path to Newark Airport. I can tell you at night I hear noises that remind me of noises that I heard when I was a young man in World War II listening to the buzz bombs overhead. They would come screaming in at targets. And to me this is reminiscent of that volume and that type of noise.

It is an outrageous condition to have to live under when there is, in fact, something that can be done about it.

The port authority has attempted to alleviate the noise problem for our citizens by proposing a plan to phaseout stage 2 aircraft at a faster rate than the national timetable. This is a program that says we should get to stage 3 aircraft, whose engines are considerably quieter, more efficient than the existing ones. But change is being resisted because airlines have an investment in aircraft that still has the stage 2 type engine.

What we are saying is use them in other parts of the country, please, where there may be more room, and less noise impact but take them out of our area as quickly as possible.

When we were working on the 1990 aviation reauthorization, I worked to ensure that local airport operators retained the authority to impose restrictions on noise. In a colloquy on the Senate floor at that time that Senator FORD concurred in, we had a very specific review of the ability of airports to restrict noise.

I said, and Mr. FORD ultimately agreed, that "under this proposal an airport operator would be allowed to impose restrictions on the stage 2 operations without the approval of the

FAA, and without risking the loss of AIP"—Airport Improvement Program money. "This is particularly important as reducing the number of stage 2 plans serving Newark International is a critical part of our efforts to reduce noise in New Jersey."

Mr. FORD responded to the list of points that I made. He said "The Senator"—referring to my comments—"is correct on each of these points. He has made the case for his constituents, and I believe that we have taken the steps in this legislation to protect the efforts that he has been making to reduce aviation noise in New Jersey."

Why then, Mr. President—frankly, without announcement, which disappointed me—was a statement made on the floor of the U.S. Senate this afternoon that contradicts that position?

With regard to phasing out stage 2 aircraft, the 1990 act did not impose new restrictions on the rights of local airport operators, with the exception of certain procedural requirements. This is attested to in an April 1, 1991 letter to me from then-FAA Administrator Busey—and I will quote from the letter. He writes to me as chairman of the Transportation and Related Agencies Subcommittee of Senate Appropriations.

"We also agree,"—in reference to an earlier paragraph—"except for specific responsibilities imposed by airport proprietors by the act, that legislation did not change previous substantive legal requirements affecting the authority of airport proprietors to limit stage 2 aircraft operations to control noise. This is consistent"—he goes on to say—"with legislative history set forth"—in a letter I sent to him. He goes on.

"My letter of January 15, 1991, to the New Jersey and New York leadership did not question this aspect of the act, nor did it address the limitations that would apply to the Port Authority of New York and New Jersey as airport proprietor if it proposes to limit stage 2 operations."

Mr. President, I ask unanimous consent that the full letter sent to me dated April 1, 1991, from Administrator Busey be printed in the RECORD.

I also ask unanimous consent to have printed a letter to Mr. Busey dated January 30, 1991 and a letter from me to Andrew Card, Jr., dated March 19, 1992 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION,
Washington, DC, April 1, 1991.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Senate Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter, cosigned by members of the New Jersey Delegation, concerning the effect of the Airport Noise and Capacity Act of 1990 (Act) on proposed New Jersey legislation. We are in complete agreement with your concern that the new Act be applied to afford meaningful noise relief to communities affected by aircraft noise.

We also agree that, except for the specific responsibilities imposed on airport proprietors by the Act, that legislation did not change previous substantive legal requirements affecting the authority of airport proprietors to limit Stage 2 aircraft operations to control noise. This is consistent with the legislative history set forth in your letter. My letter of January 15, 1991, to the New Jersey and New York leadership did not question this aspect of the Act, nor did it address the limitations that would apply to the Port Authority of New York and New Jersey, as airport proprietor, if it proposes to limit Stage 2 operations.

Instead, my letter stressed the lack of authority in the State of New Jersey to control airport access by regulating the Port Authority. Bill No. 4386 asserts the power of the State to ban aircraft operations at airports owned by the Port Authority. The courts have made it clear, however, that the airport owner is the only non-Federal authority that may control airport access for noise purposes. The courts have stated that the otherwise total Federal preemption of airport access matters—including aircraft noise abatement—is essential to the maintenance of a unified and coordinated national air transportation system.

It is well-settled that the pervasive nature of Federal regulation in the field of air commerce, the intensity of the national interest in this regulation, and the nature of air commerce itself require the conclusion that State and local regulation in air commerce has been preempted. Courts have created the limited proprietary exception to total Federal preemption because airport authorities, as the owners of airports, remain liable for noise damages. Even though New Jersey has important responsibilities with respect to its relationship to the Authority, that does not confer airport proprietorship status on the State itself with respect to aircraft noise liability.

Action by the State to restrict aircraft access to the Port Authority's airports by regulating the Port Authority would therefore be inconsistent with the well-established doctrine of Federal preemption in the field of aircraft noise regulation. This is true even where a State attempts to control aircraft operations through regulation of an airport proprietor that is a political subdivision of the State. Only the Port Authority itself is the proprietor under the controlling case law.

This critical distinction between the authority of airport proprietors and that of other non-Federal authorities is a fundamental aspect of "existing law with respect to airport noise or access restrictions by local government," and was not changed by the Airport Act (Section 9304(h)(I)).

The bill also ignores long-established duties resting on the Port Authority, as proprietor, to determine the need for, and the impacts of, any denial of access to air commerce. The discharge of these duties requires that the Port Authority have the discretion to establish the necessary basis for proposed aircraft noise regulations, and justify them in accordance with standards recognized by the courts. With respect to the reasonableness of the Port Authority's regulations, it is important that they be based on substantial evidence demonstrating that the proposed use would not jeopardize the health, safety, or welfare of the public. The bill shortcuts this entire process of justification. In addition, by mandating specific regulation of Stage 2 aircraft, it mandates the decision to ban such aircraft before the Port Authority could comply with its duties under the Act, including the extensive public notice and review process. This result would be inconsistent with the express provisions of the Act.

The Port Authority is also required to consider the international implications of airport use restrictions, since equal, nondiscriminatory treatment of domestic and foreign air commerce is an important aspect of the complex network of international air transportation agreements of which the United States is a major beneficiary. Bill No. 4386 removes all discretion from the Port Authority to reserve decision concerning airport access control while international implications are considered.

Finally, the bill ties the hands of the Port Authority with respect to its continuing compliance with its airport development grant agreements, which requires that its airports be open to air commerce under fair, reasonable, and nondiscriminatory conditions. These obligations are imposed pursuant to applicable airport grant legislation and are an important aspect of the limitations on an airport sponsor's authority to control airport access.

In summary, I believe that the concerns expressed in my letter regarding any attempt by the State of New Jersey to deny access to John F. Kennedy International Airport, Newark International Airport, and LaGuardia Airport for noise purposes, by regulating the Port Authority, are consistent with the Act and properly reflect the controlling case law.

Identical letters have been sent to the other signatories of your letter.

Sincerely,

JAMES B. BUSEY,
Administrator.

U.S. SENATE,
Washington, DC, January 30, 1991.

Hon. JAMES B. BUSEY,
Administrator, Federal Aviation Administration, Washington, DC

DEAR ADMINISTRATOR BUSEY: We are writing to express our concerns about your apparent interpretation of the Airport Noise and 'Capacity Act of 1990 ("Airport Noise Act").

Based on our review of statements you made in a recent letter to New Jersey State Senator Walter Rand, we believe that you have misconstrued the law, which Congress drafted with the specific intention of permitting local or State initiatives to combat airport noise.

While the Airport Noise Act mandates that the FAA phase out Stage 2 aircraft by 2003, it specifically permits local authorities to act sooner. The law protected local initiatives already underway as of the date of enactment, and it permitted new Stage 2 initiatives, subject to procedural requirements. These include the provision of 180 days notice for public comment, and the consideration and preparation of an impact statement.

As members of the New Jersey Congressional delegation, we were intensely interested in assuring that contemplated noise initiatives would be permitted under the legislation. Our constituents had this noise thrust upon them by the FAA's alteration of air traffic routes. They have sought relief from the FAA and at the local level. We were committed to assuring their ability to get relief under the terms of the noise legislation before us.

The clear meaning and intent of the legislation was discussed in debate between senator Lautenberg, chairman of the Senate Transportation Appropriations Subcommittee, and Senator Wendell Ford, chairman of the Senate Aviation Subcommittee and sponsor of the legislation. In this discussion, Senator Ford stated that the conference agreement on the legislation did not restrict the ability of local airport operators to regulate the use of Stage 2 aircraft at their facilities. The debate included, in part, the following colloquy:

"Senator LAUTENBERG. With regard to the modified proposal, I ask the Senator from Kentucky if he would confirm these points to be true: First, this agreement would not affect noise control programs now in effect, such as those that have been adopted by the Port Authority of New York and New Jersey. Second, that, under this proposal, an airport operator would be allowed to impose restrictions on stage 2 operations, without the approval of the FAA, and without risking the loss of AIP money. This is particularly important, as reducing the number of stage 2 planes serving Newark International is a critical part of our efforts to reduce noise in New Jersey. Third, that the FAA or airport operator would not be prevented from working our operational changes, such as random vectoring, variation in runway use, or altitude requirements, that are designed to reduce noise impacts. And, an airport operator could impose restrictions on the use of stage 3 planes, by barring certain types, for example, or limiting them to certain hours of operation, subject to review and approval by the FAA.

"Senator FORD. The Senator is correct on each of those points . . . we have taken the steps in this legislation to protect the efforts that he has been making to reduce aviation noise in New Jersey." (October 27, 1990 CONGRESSIONAL RECORD, page S17543)

The continuing authority of local airport operators to regulate Stage 2 operations was further clarified in a November 28, 1990 letter from Congressman James Oberstar, chairman of the House Aviation Subcommittee, and the lead negotiator for the House of Representatives in finalizing this legislation. In this correspondence to Port Authority of New York and New Jersey chairman Richard Leone, Congressman Oberstar made two statements of particular interest: first, that,

". . . I must note that this Stage 2 phaseout is a national standard, and in no way infringes upon local airports' ability to set even more stringent phaseout standards if they wish."

Second, he wrote that,

"It should also be noted that this new approval process does not restrict a local airport's rights and authority to regulate the noisier Stage 2 aircraft, so long as any airport gives 180 days advance notice of future restriction. Nor does the provision call into question any Stage 2 or Stage 3 restriction currently in effect. The only restrictions subjected to the new DOT approval process are new local restrictions on Stage 3 aircraft."

In spite of clear Congressional intent, your letter insinuates that restrictions on Stage 2 aircraft operations at our region's airports would be contrary to Federal law, and even threatens the potential loss of Federal funds if such measures are enacted.

This is of concern not only because of the impact that such a position would have on programs in place or under consideration for Port Authority airports, but also in light of the FAA's development of regulations to implement the Airport Noise Act. Those regulations could govern Federal policy on noise control for years to come. If the FAA persists in its mistaken positions as reflected in your letter, the regulations could have impacts on local communities never intended by the Congress.

For some time, we have been working with the Port Authority to see tougher, more effective noise control measures implemented. Enactment of the Airport Noise and Capacity Act did not preclude such efforts, and any assertion to the contrary is incorrect and counterproductive.

We strongly urge you to reconsider your position, and clarify any misunderstandings that may exist as a result of your letter. We further request that you work to see that regulations being developing by the FAA accurately reflect Congressional intent, and do not restrict the ability of local airport operators to impose restrictions on Stage 2 operations.

Frank R. Lautenberg, Chairman, Senate Appropriations, Subcommittee on Transportation & Related Agencies; Robert A. Roe, Chairman, House Committee on Public Works & Transportation; Bill Bradley; Dick Zimmer; Frank Pallone, Jr., Robert Torricelli; Dean Gallo; Frank J. Guarini; Marge Roukema; Robert E. Andrews; Matt Rinaldo; Chris Smith; Bernard J. Dwyer.

U.S. SENATE,
Washington, DC, March 19, 1992.

Hon. ANDREW H. CARD, Jr.,
Secretary, Department of Transportation, Washington, DC.

DEAR SECRETARY CARD: I am writing to express my disappointment and outrage at the Federal Aviation Administration's attempt to coerce the Port Authority of New York and New Jersey to abandon its attempts to provide relief to noise-impact residents of New Jersey.

In a recent letter to the Port Authority, Assistant FAA Administrator Michael C. Moffet threatened that implementation of a staff recommendation for noise restrictions by the Port Authority could jeopardize approval of the Port Authority's application for passenger facility charges. This proposed linkage is inappropriate, and tantamount to blackmail. I will strongly oppose any efforts by the FAA to carry through with it.

As you know, some controversy has arisen over the authority of airport operators to impose noise restrictions more aggressive than the Federal program. However, I believe that the legislative history surrounding enactment of the Airport Safety and Capacity Expansion Act of 1990 is clear on this point: airport operators retained their rights to impose such restrictions. Certainly, the Act requires that certain procedural requirements be met; but, no new limitations on their authority were imposed by the Act.

Since the FAA implemented the Expanded East Coast Plan in 1987, I have sought to provide relief to those citizens of New Jersey who are impacted by aircraft noise. By the FAA's own estimates, fully one-third of the noise impacted population of the United States resides in the New Jersey-New York region. In your statements at your February 19, 1992 appearance before the Committee on Environment and Public Works, you indicated that you are sympathetic with the concerns of those affected by noise, and that you would not support actions to unreasonably restrict the ability of an airport operator to provide relief from noise.

As a matter of policy, it is unacceptable to link the Port Authority's passenger facility charge application with its plans for noise mitigation, and, as chairman of the Transportation Appropriations Subcommittee, I will fight any such efforts.

Sincerely,

FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies.

Mr. LAUTENBERG. Mr. President, we want to work with Senator FORD as he approaches the reauthorization of the aviation bill, and I agree with him on many points. Together, we have tried to depoliticize the FAA, try to make it more active in its mission, to provide funds for building a healthier, more technologically up-to-date aviation system. But to say that we cannot use our PFC's—passenger facility charges—to improve our airport structure without sacrificing our right to limit noise is unfair. It misinterprets the statute.

There is a debate about what the 1990 act really meant. Chairman OBERSTAR, the chairman of the House Aviation subcommittee, negotiated the agreement, shares my view that local airport operators retain control over efforts to limit noise. He also supports the Port Authority of New York-New Jersey's PFC application.

Of course, Senator FORD stated clearly that he disagrees. It is a fight that may ultimately find its way to the courts.

I will continue to work to see that new legislative hurdles are not thrown in the way of our efforts to control the noise. And I will continue to press the FAA to act.

Mr. President, aircraft noise is a difficult and unpleasant condition. We in New Jersey have been fighting for relief for years and I will continue to work to see that local airport operators, like the Port Authority of New York and New Jersey, retain their rights to control noise and protect our citizens.

Senator FORD in his comments today said that the colloquy that we had referred to restrictions, not to an early phaseout.

But I do not know what restrictions mean. Do restrictions mean that while you cannot phase out the stage 2 aircraft, maybe you can restrict them from flying any time from 12 noon or until 11 the next morning, giving them a window of 1 hour a day in which to operate?

I disagree sharply with Senator FORD. He uses as examples what happened, in Boon County, KY, when new runways were introduced. He says, "Thousands of Boone County citizens now experience noise from this new runway."

I do not know Boone County specifically, but I would venture to say there is a lot more room in Boone County than there is in the New Jersey-New York area. One cannot escape the over-

burdening noise factor that we run into, and I am going to do whatever I can, including to use the opportunity in the appropriations bills, to make sure that no airport is unfairly penalized as it tries to reduce noise.

I have tried to be very accommodating with my counterpart in the authorizing subcommittee. And we have worked together successfully in the past. I hope we will be able to continue to do so when it comes to New Jersey.

But I want the record to reflect that this Senator from New Jersey believes that the Port Authority has the right to demand an earlier phaseout of stage 2 equipment and not risk its PFC's. This Senator believes that the residents in my area, the New Jersey-New York metropolitan region, have a right to a quieter, saner lifestyle—not to have to hang on to the window shades every time an airplane passes by.

There are other ways to solve the problems. Perhaps we can get use of more of the military airspace that is off of our coast.

Maybe we can use the water approaches more readily. The FAA has to find other ways to do it and I will hold them to that responsibility. We will not be stymied from alleviating the noise problem that exists in our community. I thank the Chair for his indulgence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRS EVALUATION OF THE GAO LINE-ITEM VETO REPORT

Mr. BYRD. Mr. President, last January, the General Accounting Office issued an unsolicited report entitled, "Line Item Veto—Estimating Potential Savings," which made exaggerated claims of the budgetary savings that would have occurred if President Reagan had had line-item veto authority for fiscal years 1984 through 1989. On March 17, I asked the Congressional Research Service to evaluate the GAO report, and on March 23, the CRS responded with a detailed analysis.

The Congressional Research Service found such serious flaws in the GAO report as to invalidate its results. In summary, CRS said:

> We believe that a more realistic and more useful estimate of savings would be $2–3 billion over a six-year period and probably less. The following considerations lead us to the more modest figure for savings from an item veto. The report reaches the $70 billion figure by making a series of assumptions that inflate the estimated savings: (1) accepting SAPs prepared early in the process as a reliable guide to what happens later when Presidents receive appropriations bills, (2) giving Congress no credit for deleting items through the alternative rescission process, (3) double-counting program terminations, (4) assuming that a one-time "saving" from an item veto is not used elsewhere for another program or activity, (5) ignoring presidential use of item-veto authority to promote executive spending initiatives, (6) giving inadequate attention to the modest record of item-veto savings at the state level, and (7) assuming that Congress never overrides an item veto (pages 4 and 7).

Estimated line-item veto savings of $2–$3 billion over 6 years works out to between $333 and $500 million a year. Such savings would amount to between two and three one-hundredths of 1 percent of Federal outlays.

The most fundamental flaw, among the seven found by CRS, was the use of selected OMB Statements of Administration Policy [SAP's] as the basis for estimating potential line-item veto savings. GAO chose SAP's reacting to House and Senate Appropriations Committee actions, and not later SAP's sent just prior to House-Senate conferences, because they maximized the potential savings. As GAO noted, those later SAP's are usually much smaller than the earlier ones. CRS found that:

> To be precise, SAP-based estimates overstate savings by a factor of 23 for 1988. If that ratio is applied to the six-year period, likely savings drop from $70.6 billion to $3.03 billion.

Curiously, the report "judged that SAPs are a reasonable indicator of the maximum savings that might have been achieved if a President had used line item veto authority in the period we studied" (p.9). From its own analysis, SAPs appear to be an unreasonable indicator, unless they are used solely for the purpose of estimating "maximum" savings rather than likely savings. Also on page 9, the report states that "it is impossible to determine conclusively whether or not the SAP-based estimates developed for this report accurately reflect the way a President who had actually had line item veto authority in the period 1984 through 1989 would have used that authority." If the analysis is that difficult to prove conclusively, why release a report that gives readers the impression that $70 billion could have been saved over a six-year period?

Why indeed, Mr. President? CRS finds that GAO estimate to be unfounded in the extreme, so I caution those who may read the GAO study to avoid leaping to the same conclusions as GAO has.

I ask unanimous consent that my letter and the CRS analysis be entered into the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 23, 1992.

To: Senator Robert C. Byrd, Chairman, Senate Committee on Appropriations.

From: Louis Fisher, Senior Specialist in Separation of Powers.

Subject: GAO's report on "Line Item Veto" (January 1992).

This memorandum responds to your letter of March 17, requesting us to evaluate a General Accounting Office report entitled "Line Item Veto—Estimating Potential Savings" (January 1992).

The report estimates that a presidential line item veto, applied to fiscal years 1984 through 1989, could have saved $70 billion over the 6-year period. The report's methodology rests primarily on an examination of Statements of Administration Policy (SAPs) that OMB provides to Congress, stating administration objections to specific items in appropriations bills being considered.

As indicated in the title and explained in the text, the report was intended to discover the maximum possible savings that could be achieved through an item veto. As noted on page 3: "The objectives of this study were to estimate the maximum savings likely . . . ." And on page 14: "In all cases, we tried to give the benefit of the doubt to the President; that is, we used the broadest possible interpretation of SAP items to show the maximum possible savings estimates."

We believe that a more realistic and more useful estimate of savings would be $2–3 billion over the six-year period and probably less. The following considerations lead us to the more modest figure for savings from an item veto. The report reaches the $70 billion figure by making a series of assumptions that inflate the estimated savings: (1) accepting SAPs prepared early in the process as a reliable guide to what happens later when Presidents receive appropriations bills, (2) giving Congress no credit for deleting items through the alternative rescission process, (3) double-counting program terminations, (4) assuming that a one-time "saving" from an item veto is not used elsewhere for another program or activity, (5) ignoring presidential use of item-veto authority to promote executive spending initiatives, (6) giving inadequate attention to the modest record of item-veto savings at the state level, and (7) assuming that Congress never overrides an item veto (pages 4 and 7).

1. Use of SAPs. The $70 billion estimate results primarily from the way the report relies on SAPs. The report assumes that the President "would have used line item authority successfully to reject each and every specific item to which objections were raised in the SAPs" (p. 4). The report selected a SAP reacting to a House appropriations action and a SAP reacting to a Senate appropriations action for each of the appropriations bills. However, the report did not use SAPs "sent just prior to House-Senate conferences" (p. 14). Had it done so, estimated savings would have been less. As the report explains, SAPs sent just prior to House-Senate conferences are not "as inclusive as SAPs sent earlier in the process. The administration sometimes 'gives up' on objectionable items that will not be affected by conference action and dwells only on those which can still be altered (so-called 'conferenceable' items)" (p. 14). The selection of early SAPs inflates potential savings from an item veto.

SAPs are not a reliable guide to what Presidents might item veto. As appropriations bills move through the legislative process, the President's position on specific items shifts in many cases from a firm No to an accommodation. In the end, what counts are not the SAPs produced when a bill clears a committee or passes one of the chambers. The crucial point is the President's position when a bill is in conference. At that stage, the administration hangs tough on some items and acquiesces on others. As the re-

port later states, "the SAP-based estimates might have overstated the potential savings from a presidential line item veto. For example, a President might have chosen not to exercise the veto on all items to which objections were raised in the SAPs" (p. 8).

2. Theoretical vs. Realistic Savings. The report estimates savings that "might have occurred" or spending that "could have been reduced" (p. 1). This choice of "might" and "could" tilts the analysis toward the maximum highest number. Available data clearly indicates that a $70 billion saving over a six-year period is unrealistic. The report acknowledges that other administration documents reveal that an analysis based on SAPs "may overstate the savings that would have occurred" (p. 2). There is a substantial difference in moving from might/could (theoretically possible) to would (likely to occur).

The report notes that an OMB report in 1988 "indicated that the President would have vetoed much smaller amounts than those the SAPs identified as objectionable for that year" (p. 2). The OMB report is a valuable guide to what Presidents are likely to do with item-veto authority. The SAP-based estimate of line item veto savings for 1988 is $12.6 billion in budget authority. The OMB report identified only $540 million in potential savings from item vetoes (p. 9). The GAO study admits that the SAP-based estimates "may overstate" the potential savings from a line item veto (p. 9).

To be precise, SAP-based estimates overstate savings by a factor of 23 for 1988. If that ratio is applied to the six-year period, likely savings drop from $70.6 billion to $3.03 billion.

Curiously, the report "judged that the SAPs are a reasonable indicator of the maximum savings that might have been achieved if a President had used line item veto authority in the period we studied" (p. 9). From its own analysis, SAPs appear to be an *unreasonable* indicator, unless they are used solely for the purpose of estimating "maximum" savings rather than likely savings. Also on page 9, the report states that "it is impossible to determine conclusively whether or not the SAP-based estimates developed for this report accurately reflect the way a President who had actually had line item veto authority in the period 1984 through 1989 would have used that authority." If the analysis is that difficult to prove conclusively, why release a report that gives readers the impression that $70 billion could have been saved over a six-year period?

3. Double-counting (rescissions). Even a figure of $3 billion over the six-year period probably overstates what might have been saved through an item veto. The report does not deduct from its $70 billion estimate the savings that result from the President's current authority to rescind appropriations. For the years in question, President Reagan asked Congress to rescind $18.6 billion from fiscal years 1984 through 1989. Congress rescinded $0.4 billion. However, over that same period of time, Congress initiated and enacted 144 rescission actions totaling $24 billion. It can be assumed that some of the items rescinded appeared earlier in SAPs. The report therefore credits the item veto for some savings that were achieved by existing rescission procedures.

The potential of rescission authority for deleting appropriations items is borne out by the first three years of the Reagan administration. From fiscal 1981 through fiscal 1983, President Reagan proposed $24.8 billion in rescissions and Congress approved $16.1 billion. In addition to rescissions proposed by the President, Congress has initiated and enacted a total of $36.2 billion in rescissions since the Budget Act of 1974.

4. Double-counting (Program Terminations). The report estimates that 71 federal programs would have been terminated with an item veto, including the Economic Development Administration, Legal Services Corporation, and Amtrak. Those programs were "repeatedly proposed" for termination in SAPs during that period (page 8). To the extent that programs were recommended for termination in more than one of the six years of SAPs, did the report rely on double-counting?

If the President had item-vetoed Amtrak in fiscal 1984 and Congress failed to override, it might be proper to credit the President with $716.4 million in savings for that year. But is it proper to credit the President with savings for the next five years (fiscal 1985 through fiscal 1989)? Suppose the President recommended no funds for Amtrak in his fiscal 1985 budget, Congress inserted the money against his wishes, the President item vetoed that amount and Congress failed to override. Again the President is credited with savings for fiscal 1985. Will that scenario be repeated for the next four years? It is reasonable to assume that Congress will always reintroduce funds for programs that had been terminated? That assumption seems unreasonable. Operating under that assumption, a President receives credit for a savings in one year, no matter how long ago, and receives perpetual credit thereafter. According to that scenario, a President could terminate a program in 1812 and receive credit every year after that.

It is not even clear that the President should be credited with $716.4 million in savings for the first year. In terminating an agency like Amtrak, are there no termination costs for outstanding contracts and severance pay for agency personnel? Can those costs be absorbed by the previous appropriation or will supplemental appropriations be needed for the phase-out? In case of an agency like the Economic Development Administration, if it is legally impossible to fire all of the employees, will other agencies be required to absorb these people? Because of these considerations, net savings will be less than the report indicates.

5. Assuming that "Savings" are Permanent. The report assumes that each presidential saving, obtained through the item veto, is permanent and will remain untouched by other governmental pressures. That assumption is contradicted by the experience of the budget process. Under Section 302(b) of the Budget Act of 1974, Congress allocates ceilings to the appropriations subcommittees. It is well-known that if the subcommittees report a bill substantially under the allocation, it invites amendments on the floor that bring the aggregate back toward the ceiling. Thus, a "savings" by the subcommittee is quite temporary and is unlikely to last.

Why assume that "savings" from a presidential item veto will be any more permanent? It is more likely that a successful item veto (say of Amtrak in the above example) will unleash spending proposals by the executive and legislative branches. The savings might be transitory, quickly neutralized by a spending initiative in a forthcoming supplemental appropriations bill.

6. Presidential Spending Initiatives. The figure of $3 billion also overstates savings because the study assumes that Presidents are interested only in reduced federal expenditures. Yet Presidents have their own programs and activities that they advocate, and the availability of an item veto could be an important weapon in coercing legislators to support White House spending priorities. Armed with an item veto, a President could tell legislators that a project or program in their district or state will be item-vetoed unless they support the President's spending goals. If the legislators and the President reach an amicable agreement, legislative add-ons would be preserved along with presidential add-ons. Since these interbranch conversations would likely remain confidential, the public would never know that the item veto can increase federal spending. A balanced assessment of the item veto must take into account this dynamic in executive-legislative relations.

7. Studies at the State Level. Appendix III of the report summarizes the studies at the state level that estimate spending reductions from an item veto. The report states that this literature "exhibits no apparent consensus" on the budgetary impact of an item veto, and yet the consensus in Appendix III seems clearly that the item veto yields no fiscal restraint. Of the eight studies summarized, *seven* conclude that the item veto is not a tool for fiscal restraint. Instead, it is used primarily to advance partisan interests and executive spending programs. The only study that is optimistic about potential savings from an item veto was coauthored by James C. Miller III, who served as OMB Director in the Reagan administration. These studies should have cautioned against announcing a $70 billion federal saving over a six-year period.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 17, 1992.

Mr. JOSEPH ROSS,
Director, Congressional Research Service, the Library of Congress, Washington, DC.

DEAR MR. ROSS: This is to request that the Congressional Research Service provide an evaluation of a recent General Accounting Office report entitled "Line Item Veto—Estimating Potential Savings". I have enclosed a copy of this report and a subsequent letter that I sent to the General Accounting Office expressing my concerns about the report, to which I have not yet received a reply.

If you have any questions regarding this request, please do not hesitate to contact me or Jim English, Staff Director of the Appropriations Committee, at 224-7200.

With kind regards, I am

Sincerely,

ROBERT C. BYRD,
Chairman.

STATEMENT ON CBO'S LETTER RESPONDING TO SENATOR BYRD'S CONCERNS ABOUT THE CBO STUDY ON REDUCED DEFENSE SPENDING

Mr. BYRD. Mr. President, last February, the Congressional Budget Office released a study, entitled "The Economic Effects of Reduced Defense Spending," which omitted several important points. I raised these points with the CBO Director, Dr. Robert D. Reischauer, in a letter on March 9. On March 17, Dr. Reischauer responded to my concerns promptly and forthrightly, for which I commend him.

The study estimated the economic impact of two hypothetical defense

spending reductions. It concluded that real GNP would rise permanently by the end of the next decade by about $50 billion a year, in 1992 dollars, if defense spending were cut 20 percent by fiscal 1997. However, in the short run, it estimated the loss of 600,000 defense related jobs and described worst case scenarios for three selected communities heavily dependent upon defense industry.

My letter of March 9 listed several concerns. First, the study ignored the expressed intent of the Budget Enforcement Act of 1990 by assuming future defense spending reductions will be used for deficit reduction. The act allows defense spending reductions in fiscal year 1994 and fiscal year 1995 to be used for domestic discretionary spending, as long as the overall spending caps are met.

Second, the study lumps together defense spending reductions enacted in fiscal years 1991 and 1992 with the reductions under consideration now for fiscal years 1993 through 1997. This gives the appearance of larger economic impact than would result from the reductions in fiscal years 1993 through 1997 alone.

Third, the study ignores already enacted programs which will ease the economic impact of defense spending reductions. As noted in a February 6, 1992, Congressional Research Service Issue Brief, "Defense Budget Cuts and the Economy," economic adjustment assistance programs already in existence under present law include: over half a billion dollars each year set aside specifically to help military and defense workers through the Economic Dislocation and Worker Adjustment Assistance [EDWAA] Program; job training under title III of the Job Training Partnership Act; unemployment insurance; and support for impacted communities under title IX of the Public Works and Economic Development Act of 1965, including $50 million appropriated under the Defense Authorization and Appropriations Acts of 1991.

Fourth, the study could better explain that most defense workers threatened with job loss will switch to civilian production, retrain, or retire without entering the ranks of the long-term unemployed.

Fifth, and finally, the study takes a worst case look at defense spending reductions without considering a best case.

In his response to my concerns, Dr. Reischauer agreed that, even though the CBO study assumed defense reductions would be used for deficit reduction, defense spending reductions may be used for domestic discretionary spending in fiscal year 1994 and fiscal year 1995. In fact, he observed that the defense savings contemplated in the CBO study "would be required simply to avoid real reductions in nondefense discretionary spending." He added, "In the long run, increased spending on carefully chosen public investment projects would work to increase the potential growth of the economy in just the same way as a reduction in the Federal deficit." " * * * on average, public investments in the past do seem to have been as worthwhile as private investments. * * * "

Dr. Reischauer also said that CBO "should have acknowledged existing Federal programs aimed at mitigating the effects of defense cutbacks and provided more discussion of other actions that could be taken to mitigate the effects of defense spending cutbacks." He reiterated the study's finding that "growth in nondefense jobs would eventually offset the adverse effects of defense cutbacks." Finally, Dr. Reischauer noted that "the study clearly acknowledged that the calculations reflected a worst-case assessment. * * *"

I thank Dr. Reischauer for his timely response. His letter casts the CBO study in a more balanced light, and I commend it to my colleagues for their consideration.

I ask unanimous consent that this correspondence be entered into the RECORD, so that my colleagues and other interested readers might be better informed about this study.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 17, 1992.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your recent letter noted that several topics of interest and concern to you were omitted from our February 1992 study entitled, "The Economic Effects of Reduced Defense Spending." Overall, I believe the study represented a balanced response to the Minority Leader's request. But, as you suggest, several aspects of the analysis could have been explained more fully.

The study focused on the economic effects associated with cutting defense spending and using the savings to reduce the federal deficit. The peace dividend could, of course, be put to other uses. As you note, under the provisions of the current Budget Enforcement Act [BEA], defense cuts in 1994 and 1995 can be devoted to augmenting nondefense discretionary spending, including spending on public investment, so long as overall limits on discretionary spending are met. Our study discussed the effects of devoting the peace dividend to public investment in general terms, but did not analyze those effects in detail.

We chose this focus because the size of the defense options analyzed in our study seemed consistent with the overall spending limits in the BEA. The BEA requires rather substantial reductions in total federal discretionary spending, particularly in 1994 and 1995. Compared with 1992 levels, the real cuts in defense spending discussed in our study are no larger in 1994 and 1995 than the overall cuts in discretionary spending mandated in the BEA. Thus, the defense savings analyzed in our study would be required simply to avoid real reductions in nondefense discretionary spending. This reasoning was not adequately explained in the study, however, and therefore your criticism is well taken.

Leaving aside issues of compliance with the BEA limits, how would devoting the peace dividend to public investments affect the economy? In the long run, increased spending on carefully-chosen public investment projects would work to increase the potential growth of the economy in just the same way as a reduction in the federal deficit, as we stated in our report (see page 6). In the short run, devoting defense spending cuts to public investment might avoid the temporary GNP loss that is likely to occur if the deficit is cut. Whether this favorable short-run outcome could be achieved depends on how quickly governments could arrange to spend additional funds on investment projects, as those funds are withdrawn from the defense sector.

The favorable long-run effects of investment spending also depend on how carefully projects are chosen. Additions to the already extensive infrastructure of roads, rivers, and airports, for example, are not likely to have such a favorable payoff as those undertaken in the past, and some may not easily pass a careful cost-benefit analysis. And some investments, such as additional federal spending on education, may prove worthwhile in the long run but take a long time to yield benefits. But on average, public investments in the past do seem to have been as worthwhile as private investments, and with sufficient care, could continue to contribute to productivity growth.

You also expressed concern that the estimates in our study included job losses associated with cuts enacted in 1990 and 1991, rather than focusing on the losses associated with the cut that may be enacted for fiscal 1993. At the time the detailed computer simulations used in the study were completed, 1991 was the latest year for which enacted appropriations were available. Thus, we used that year as a base. If you wish, we would be glad to update our macroeconomic analyses for you.

Finally, you note several changes that could have been made in our study that might have resulted in a less gloomy short-run picture. These changes include more mention of federal programs to alleviate the impact of defense cutbacks on local economies, better explanation of the ability of defense workers to switch to civilian jobs, and less emphasis on worst-case analyses of local area impacts.

The best solution for a displaced defense worker is a new job, and our study emphasized that growth in nondefense jobs would eventually offset the adverse effects of defense cutbacks. Indeed, we argued that defense spending cuts could eventually benefit the economy. Thus, I think we did emphasize that displaced defense workers could be absorbed into the civilian sector. As you note, our analyses of local-area effects began with a worst-case assessment. Such an assessment is analytically feasible and suggests the magnitude of the short-term problems facing local communities after a major base closes or defense companies scale back production. But the study clearly acknowledged that the calculations reflected a worst-case assessment and noted factors that might ameliorate short-term problems (see pages 33 and 41). In addition, our study was generally positive about the long-term prospects for recovery in communities affected by defense cuts.

These points notwithstanding, I understand the concern in the Congress about the

job losses associated with defense spending cutbacks, particularly in a period of recession. I accept your point that we should have acknowledged existing federal programs aimed at mitigating the effects of defense cutbacks and provided more discussion of other actions that could be taken to mitigate the effects of defense spending cutbacks.

I appreciate constructive criticism of the sort that you offered. It helps to improve the quality and clarity of our analysis. I hope my response is an adequate explanation of our reasoning and provides some additional information. If I can be of further assistance, please let me know.

Sincerely,

ROBERT D. REISCHAUER,
Director.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 9, 1992.

Dr. ROBERT D. REISCHAUER,
Director, Congressional Budget Office, Washington, DC.

DEAR DR. REISCHAUER: Recently, the Congressional Budget Office published a study, "The Economic Effects of Reduced Defense Spending." Some key areas in which I have interest and concern were omitted from your analysis.

First, the study assumes that all future defense spending reductions will be devoted to deficit reduction. Rather, for fiscal 1994 and 1995, Congress will determine the allocation of defense and other discretionary funds under one spending cap. Beyond fiscal 1995, there is no cap at all. Therefore, your assumption regarding the use of defense reductions is just that—an assumption. That fact makes it impossible for you to predict with any certainty the economic effects. This assumption puts other uses of the defense reduction, like public investment, at a disadvantage in future debate.

Second, the study lumps together defense reductions enacted in 1990 and 1991 with those which may be enacted this year. No analysis is presented of the potential job loss attributable to just the defense reduction which may be enacted for fiscal 1993.

Third, the study makes no mention of the previously enacted federal programs to alleviate the impact of defense reductions upon local economies. Aside from unemployment benefits, dislocated defense workers qualify for job training under Title III of the Job Training Partnership Act (JTPA), as amended by the Omnibus Trade and Competitiveness Act of 1988. The fiscal 1991 Defense Authorization and Appropriations Acts (P.L. 101-510 and P.L. 101-511) provided $150 million of adjustment assistance under JTPA for the Department of Defense. These Acts also provided $50 million specifically for funding Title IX assistance to communities impacted by defense cuts under the Public Works and Economic Development Act of 1965. The Office of Economic Adjustment within the Defense Department and the President's Economic Adjustment Committee will both help minimize economic dislocation from defense reductions.

Fourth, the study could better explain that most threatened defense workers will switch to civilian production, retrain, or retire without entering the ranks of the long-term unemployed. This country experienced far larger defense cutbacks following World War II, Korea, and Vietnam. Much could be learned from the success we had in transforming our economy following those conflicts, but the report makes no mention of this.

Fifth and finally, certain parts of the study "represent a worst case." When analyzing uncertain future economic events in response to defense reductions, the results would be more fairly presented if they were accompanied by a sensitivity analysis which also assumes a "best case." By focusing on three local economies, the study gives the impression of devastating impact despite statements to the effect that the nationwide effect is small.

I would like to have your views on these points as soon as possible.

Sincerely,

ROBERT C. BYRD,
Chairman.

PRESIDENT'S TRADE MISSION IS CREATING JOBS

Mr. DOLE. Mr. President, when President Bush returned from his trade mission to the Pacific this past January, he was greeted by criticism and jokes from Democrats who said the mission had failed and that the President made a mistake in bringing American business leaders along on the mission.

I don't expect these same critics to now issue an apology, but that is certainly what the President deserves.

According to a recent Detroit Free Press article, Chrysler Chairman Lee Iacocca has announced a deal where Chrysler will sell $1.3 billion in engines and transmissions to Mitsubishi Motors Corp.

Chairman Iacocca said—and I quote:

These negotiations were proceeding at a snail's pace until the Tokyo trip. We would still be at the table without a firm prospect for selling large quantities of components * * * if the President and the Department of Commerce had not gotten involved.

Mr. President, I want to congratulate President Bush and the Commerce Department for their vision in the trade area, and I am confident that his trade mission will continue to bring jobs to America—and provide an opportunity for Democrats to eat their words—for many years to come.

Mr. President, I ask for unanimous consent that the entire Detroit Free Press article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Apr. 24, 1992]

IACOCCA SAYS JAPAN TRIP IS PAYING OFF

(By David Everett)

WASHINGTON.—A new Chrysler Corp. deal to sell a whopping $1.2 billion in engines and transmissions to a Japanese car company indicates President George Bush's controversial trade mission to Japan has paid off for the American automobile industry.

Chrysler Chairman Lee Iacocca disclosed details of the engine deal in a letter sent Wednesday to Commerce Secretary Barbara Franklin. The Free Press obtained the letter Thursday.

Thanks in part to the Bush trip, Iacocca said, Mitsubishi Motors Corp. will buy the Chrysler parts, made in North America, for vehicles the Japanese auto maker assembles in Normal, Ill.

"These negotiations were proceeding at a snail's pace until the Tokyo trip," said Iacocca, America's best known critic of Japanese trade policies. "We would still be at the table without a firm prospect for selling large quantities of components . . . if the president and the Department of Commerce had not gotten involved."

Iacocca ended his letter with his customary urging that the government continue to press Japan to change unfair trade tactics.

But his comments about the engine contract show that despite criticism of Bush's trade mission, it may have results for American business.

The evidence: Executives in the U.S. glass and computer industries and some in the auto parts industry say Japanese buyers are approaching them with more than talk. Michigan-based Guardian Industries Corp. recently set up an office in Japan to handle expected new glass business.

David Cole, an automotive industry expert at the University of Michigan, said the Iacocca comments and Chrysler engine deal are examples of a trend that began with the Japan trip. "Yes, we are making progress in penetrating the Japanese market. We have seen evidence of this in terms of dramatic increases of supplier contacts from the Japanese to American companies."

The Chrysler engines and transmissions will be used for vehicles that will replace the Chrysler Laser/Eagle Talon and Mitsubishi Eclipse sports models in the mid-1990s. Those vehicles are now made with Japanese engines at the Mitsubishi Diamond-Star Motors factory in Normal, Ill.

Japanese automakers have been criticized for using Japanese suppliers for the highest-value parts in their U.S. factories, thus hurting U.S. suppliers and American jobs.

Citing business confidentiality, Chrysler executives would not disclose Thursday where the firm would get the engines and transmissions to sell to Mitsubishi. The engines would be purchased over several years.

The No. 3 automaker has engine plants in Detroit and Trenton and a transmission plant in Kokomo, Ind. Chrysler buys transmissions from other sources, including joint venture factories with General Motors Corp. in Muncie, Ind., and Syracuse, N.Y.

It's unclear whether Chrysler would use any Mexican-built parts for the deal with Mitsubishi.

Chrysler and Mitsubishi once ran the Diamond-Star plant as a joint venture, but Chrysler sold its interest to the Japanese firm last year. It was announced then that Mitsubishi might buy American engines, but Iacocca, in his letter Wednesday, said the Japanese firm at first "wanted to maximize sales from Japan."

"But the resulting attention from the trip and the commitment which the Japanese government made to increase North American content at transplant facilities . . . has meant that these high-value components will be sourced from Chrysler," Iacocca said.

Iacocca told Franklin that U.S. officials must continue to press Japan to open its automotive markets. Chrysler has spent $35 million to build right-hand-drive Jeep Cherokees to sell in Japan later this year; the Japanese drive on the left side of the road.

Japan also needs to cut its unfairly high distribution costs for U.S. vehicles, Iacocca said, and the Justice Department should continue to investigate Japan's closed supplier systems.

The U.S.-Japan auto trade deficit will not be reduced unless Bush administration offi-

cials "make the Japanese understand that the president meant what he said when he went to Japan stating that bottom line results are necessary if the relationship between our two nations is to remain firm and positive."

Iacoca's optimism is especially noteworthy considering the trans-Pacific publicity he received for blasting Japan's trade tactics in a January speech to the Detroit Economic Club.

Iacocca and his counterpart chairmen at General Motors and Ford Motor Co. had just returned from the trade mission, and Iacocca's speech was widely seen as a verbal escalation of U.S.-Japan trade friction.

A VIEW FROM TAIPEI BY DR. FREDRICK CHIEN

Mr. AKAKA. Mr. President, Dr. Fredrick Chien was a representative of the Coordination Council of North American Affairs here in Washington from 1983 to 1988. While in Washington, he extended the friendly relationship between Taiwan and the United States. A statesman of keen intelligence, extraordinary tact, and rare administrative ability, he has—together with his charming wife, Julie, who was noted all over Washington for her hospitality—left an indelible mark on Capitol Hill.

After his return to Taiwan, Fred Chien first served in a Cabinet position as Chairman of the Council of Economic Planning and Development. In 1990 he was appointed to the position of Foreign Minister.

In a recent issue of Foreign Affairs Fred Chien has written a concise essay, "A View From Taipei," in which he elucidates Taiwan's role in the new, post-cold war era. He asks other nations not to look at Taiwan through the old stereotypical prism, either as a bulwark of anticommunism or an obstacle to China's unification.

"A View From Taipei" is insightful, timely, and useful. I urge my distinguished colleagues to review this thoughtful article.

I thank Dr. Fredrick Chien for sharing his views with us.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, Winter, 1991–92]

A VIEW FROM TAIPEI

(By Fredrick F. Chien)

Developments in East Asia may appear sluggish compared to the momentous changes in Europe and the Soviet Union. The Cold War lines that divide both China and Korea remain firmly in place, although rendered more permeable by flexible policies. East Asia's three communist countries—mainland China, North Korea and Vietnam—are still ruled by first-generation revolutionary leaders. In stark contrast to the peaceful unification of Germany, Vietnam was unified by a vast communist army. And mainland China (the People's Republic of China) is soon to extend its domination to Hong Kong—the citadel of capitalism in the East. Moreover the string of arms control measures achieved in the West has not found a counterpart in East Asia. Soviet President Mikhail Gorbachev's policy of accommodation, sweeping as it is, has only begun to thaw the chilly relations between the Soviet Union and Japan. For different reasons the major powers in this area appear unwilling or unable to change the current situation.

Yet beneath the surface important currents of change are discernible. First, East Asia ranks as the fastest growing area of the world in terms of economic output. Japan's gross national product, 50 years after Pearl Harbor, is double that of Germany. Japan is now the world's largest creditor, while its victorious World War II adversary, the United States, has slipped into being the world's largest debtor. Other East Asian economies are also doing well, with average growth rates that far outstrip those of the European Community.

Second, the process of democratization is moving apace in the Republic of China (R.O.C.) on Taiwan, the Republic of Korea and the Philippines. The light of democracy that flickered to life in 1989 on the Chinese mainland has only been dimmed, not extinguished. In fact the collapse of communism in the Soviet Union and eastern Europe may portend similar developments in mainland China after the passing of its first-generation leaders.

Finally, a spirit of reconciliation seems to be prevailing in East Asia as well. The normalization of relations between mainland China and the Soviet Union and also Vietnam, as well as the establishment of diplomatic ties between Moscow and Seoul and expanding people-to-people interchanges between the two sides of the Taiwan Straits are but a few examples. In short, while the Cold War structure remains largely intact in East Asia, global trends toward democratization, development and détente have deeply penetrated the area, and there are grounds for optimism about the future.

Since its withdrawal from the United Nations in 1971, the R.O.C. has aimed to maintain and expand its substantive relations with other countries. It has also sought to upgrade its economic structure and make itself more democratic. Today it is the fifteenth largest trading nation in the world, with a GNP more than one-third that of mainland China. The R.O.C. is widely recognized as having emerged from an era of isolation and irrelevance to become a potentially valuable contributor to the emerging new world order. By furthering trends toward democratization, development, international integration and détente, Taiwan may play an important role in promoting stability and prosperity in East Asia. In fact Taiwan's experience may someday be especially relevant to the future of a unified and democratic China.

II

The 1911 evolution led by Dr. Sun Yat-sen brought the Ching dynasty to an end, but failed to create a suitable environment for economic and political development. The following four decades were marked by fierce fighting among rival warlords, a communist insurgency and a Japanese invasion that eventually helped lead to the communist conquest of the mainland.

Since 1949 Taiwan has made slow progress toward democratization, the timing and direction of which was narrowly controlled by the government, taking into account the threat from mainland China and Taiwan's own socioeconomic development. By the mid-1980s Taiwan and Singapore had become the only non-oil exporting countries in the world with per capita incomes of at least $5,000 a year that did not have fully competitive democratic systems. But today Taiwan has finally developed the proper economic and social base for successful democracy.

An important step toward Taiwan's political reform came in 1986, when opposition forces formed the Democratic Progressive Party (DPP), defying a government ban on new political parties. The ruling Kuomintang (DMT, or Nationalist Party) not only refrained from taking action against the opposition but made a series of moves in the following years that decidedly liberalized and democratized the nature of Taiwan's political system. The liberalization measures adopted by the KMT included replacing martial law with a new national security law, lifting press restrictions, revamping the judiciary and promulgating laws on assembly, demonstration and civil organization. The democratization measures legalized opposition parties, redefined the rules for political participation—such as the electoral law—and include the ongoing reform of the legislature (the Legislative Yuan), the electoral college (the National Assembly) and the R.O.C. constitution.

This process of democratization, begun by President Chiang Ching-kuo before his death in January 1988, was given further impetus by his successor, Dr. Lee Teng-hui. At his inauguration in May 1990, President Lee set a two-year timetable to complete the country's democratic transformation, including major structural and procedural reforms. A National Affairs Conference was convened in June 1990 with delegates drawn from all major political and social forces. After much public debate the NAC decided to end Taiwan's "mobilization period," begun in 1949, which had allowed the government extraordinary national security powers.

A declaration to this effect, made by President Lee in May 1991, also included recognition that a "political entity" in Peking controls the mainland area. On the recommendation of the NAC the "temporary provisions" appended in May 1949 to the 1947 constitution, giving the government sweeping powers to deal with external and internal threats, were abrogated in early 1991. By the end of the year all the senior members of the Legislative Yuan and National Assembly elected on the mainland prior to 1949, and who have never been subject to reelection, will have retired. A new National Assembly composed exclusively of representatives elected in Taiwan will then undertake the final phase of democratic reform: revision of the R.O.C. constitution. Upon its completion in mid-1992, and after Legislative Yuan elections scheduled for the end of that same year, the R.O.C. will have become by any standard a full-fledged democracy.

The R.O.C.'s democratization process is unique. It has not been initiated or monitored by external forces, as it was in Japan and West Germany. Nor was it undertaken after political or social upheavals, as the Greece or Argentina and lately in the Soviet Union. Rather it has evolved peacefully within the country and is mainly the result of prosperity. Tensions and divergent views exist, to be sure. For example, although both sides of the Taiwan Straits maintain that Taiwan has been, legally and historically, an integral part of China, the Democratic Progressive Party insists that Taiwan is a sovereign, independent entity. The DPP's position is contrary to the R.O.C. government's claim to represent all of China. Furthermore the DPP's foreign-policy platform holds that

Taiwan should develop its own international relations, including membership in the United Nations and all other international organizations, on the basis of independent sovereignty and under the name "Taiwan." The R.O.C. government, however, maintains that "Taiwan," as a geographical area, is merely an island province of the R.O.C.

These kinds of differences are inevitable in an open society. But the point is that the government of the R.O.C. itself has largely set the timing for its own democratization; the clock cannot and will not be turned back. It is worth noting that the R.O.C. is the first Chinese-dominated society to practice pluralistic party politics. In that sense what we have been witnessing is truly revolutionary. It realizes the dreams of many of our founding fathers—a dream for which many have sacrificed their lives. And yet R.O.C. prosperity and democratization have been achieved without bloodshed and without overturning the existing socioeconomic order.

These changes, however, do not come without a price. They have unleashed societal forces that present new challenges to the government, which still needs to coordinate reforms in other areas, such as economic policy, mainland policy and foreign affairs. As various societal interest groups stake their claims on public policymaking, the quality of government will increasingly have to rise to meet the needs of its various constituents.

III

Despite Taiwan's economic miracle, rapid social change and political liberalization, the R.O.C. has an artificially low international status and remains an outsider to the emerging international order. Between the urgent necessity for greater integration into the international community and an underlying desire not to forsake the future reunification of China, the R.O.C. has adopted a flexible approach to foreign relations, commonly called "pragmatic diplomacy."

Pragmatic diplomacy did not emerge overnight. The R.O.C.'s diplomatic fortunes suffered their first major setback in 1971, when its seat in the U.N. General Assembly and Security Council were taken by mainland China. Its diplomacy reached its lowest point in 1979, when the United States switched diplomatic recognition to Peking. At that time the R.O.C. maintained formal diplomatic relations with only 21 countries and had only 60 offices abroad, and it feared that other nations would follow Washington's lead. Taiwan suffered yet another blow in 1982 with the "August 17 Communiqué," signed by Washington and Peking, which committed the United States to reducing the quantity and quality of arms sold to Taiwan.

But Taipei learned much from these reversals. A spirit of pragmatism emerged among its foreign-policy makers as well as the nation's public. Amid increasingly strident popular calls for change, the government chose on several occasions to adopt a more flexible approach. For instance, the R.O.C. agreed to participate in the 1984 Los Angeles Olympics under the title "Chinese Taipei," not "Republic of China," as in previous games. It protested Peking's entry in 1986 into the Asian Development Bank (ADB), but refrained from withdrawing itself.

Under President Lee the R.O.C.'s search for international visibility and participation became more vigorous. In April 1988 an official delegation was sent to Manila to attend the annual ADB meeting under the name "Taipei, China." This was the first time that the R.O.C. and mainland China had both attended a meeting of an international governmental organization. In his opening address to the KMT's Thirteenth Party Congress in July 1988, President Lee urged the party to "strive with greater determination, pragmatism, flexibility and vision in order to develop a foreign policy based primarily on substantive relations," a passage incorporated into the party's new platform.

In March 1989 President Lee led an official delegation on a highly successful visit to Singapore, where he was referred to in the local press as "the President from Taiwan." That May the R.O.C. made an even more dramatic decision to dispatch its finance minister. Dr. Shirley Kuo, to the annual ADB meeting, this time in Peking. President Lee explained the decision in a June 3, 1989, speech to the Second Plenum of the KMT's Thirteenth Central Committee: "The ultimate goal of the foreign policy of the R.O.C. is to safeguard the integrity of the nation's sovereignty. We should have the courage to face the reality that we are unable for the time being to exercise effective jurisdiction on the mainland. Only in that way will we not inflate ourselves and entrap ourselves, and be able to come up with pragmatic plans appropriate to the changing times and environment."

In 1988 Taipei established an International Economic Cooperation and Development Fund and appropriated $1.2 billion for economic aid to Third World countries. This new foreign aid program, plus the 43 teams of technical experts already working in 31 countries, places the R.O.C. firmly in the ranks of significant aid-providing nations. Moreover 1989 saw the establishment of the Chiang Ching-kuo Foundation for International Scholarly Exchange with an endowment of over $100 million. A fund for International Disaster Relief also provided tens of millions of dollars to the Philippines, the Kurdish refugees and others who suffered during the Gulf War.

These and other efforts resulted in a sharp increase in the R.O.C.'s international ties. As of 1991 the R.O.C. has formal diplomatic relations with 29 countries and maintains 79 representative offices in 51 countries with which it has no diplomatic relations. These offices, some of which bear the Republic of China's official name, facilitate bilateral cooperation in areas such as trade, culture, technology and environmental protection. The R.O.C. is also a formal participant in the newly formed ministerial-level organization, the Asian Pacific Economic Cooperation, and has been active in regional groupings such as the Pacific Basin Economic Cooperation and the Pacific Economic Cooperation Council. It also stands ready to join the General Agreement on Tariffs and Trade as the representative government of the "customs territory of Taiwan, Penghu, Kinmen and Matsu," not the whole of China.

While pragmatic diplomacy enjoys wide support at home—so much so that the country's foreign relations were not an issue during the hotly contested 1989 election campaign—it has invited relentless criticism from mainland China. Characterizing it as a plot to create "one China, one Taiwan," or "two Chinas," Peking has taken a number of steps to forestall the R.O.C.'s international integration. Those countries that have shown interest in establishing air links with Taipei, receiving or sending official delegations, setting up offices in Taiwan or simply striking major business deals are warned of "deleterious consequences." In 1991 along twenty countries, including Poland, Hungary, the Philippines, Malaysia and the Soviet Union, have been forced to reaffirm that "the P.R.C. is the sole legitimate government of China, and Taiwan is part of China."

This has not deterred the R.O.C. from its charted course. Pragmatic diplomacy is part and parcel of the R.O.C.'s democratic transformation, reflecting the nation's collective yearning for change. Just as the domestic political process is being democratized and its economy opened to the world, so its foreign relations must become more flexible as well.

IV

Taiwan is directly susceptible to winds of change from the Chinese mainland. In recent years the relationship between the two sides of the Taiwan Straits has undergone a seachange. From 1949 to 1979 Taiwan was constantly threatened by direct military invasion. The shelling of Kinmen and Matsu in 1958, which almost brought the two superpowers into confrontation, was a dangerous example.

But beginning in 1979, when Deng Xiaoping led the Peking leadership to embark on its "four modernizations" program mainland China's need to maintain a peaceful image eased its hard-line policy. The new goal was not to coerce but to cajole Taipei back into the fold with a variety of devices, such as the "one country, two systems" formula advanced by Deng in 1984. According to this formula, Taiwan would be downgraded to a "highly autonomous region," thus conceding the right to conduct its own foreign relations and national defense. The R.O.C. resisted by adopting its "three nos" stance toward mainland China: no contact, no compromise, no negotiations.

This deadlock was broken in November 1987 when President Chiang Ching-kuo decided to allow people on Taiwan to visit family members on the mainland. Subsequently, long-standing bans on indirect trade and investment, academic, sports and cultural exchanges, tourist visits and direct mail and telephone links were lifted in rapid succession. This opened the floodgates to people-to-people exchanges between the two sides of the straits, unprecedented at any period of Chinese history. In the early part of this year alone, an estimated two million people from Taiwan visited the mainland, more than 28 million letters were sent in both directions—an average of 40,000 per day—and telephone, fax and telex exchanges numbered five million. Moreover, by conservative estimates, indirect trade reached $4.04 billion in 1990 and investment topped $2 billion.

In November 1990 a cabinet-level Mainland Affairs Commission was established. At the same time the R.O.C. created the Straits Exchange Foundation, an organization funded primarily by private money. The SEF serves as an intermediary between the peoples of Taiwan and the mainland on an entire range of functional issues. If necessary the SEF may engage mainland representatives in non-political negotiations. Thus far SEF personnel have visited the mainland on three occasions and received one Red Cross delegation from mainland China—events all highly publicized by the R.O.C. press. The two sides have agreed on procedures for the repatriation of criminals and have indicated an interest in the joint prevention of crimes committed on the high seas. It is hoped, at least by the R.O.C., that through these exchanges "peace by pieces" may be achieved.

A National Unification Council was set up in October 1990 with President Lee as its chairman. To further clarify the R.O.C.'s stance on mainland-Taiwan relations, new Guidelines for National Reunification were proposed by this council and accepted by the

Executive Yuan (Cabinet) in March 1991. The guidelines state: "After an appropriate period of forthright exchange, cooperation and consultation conducted under the principles of reason, peace, equity and reciprocity, the two sides of the Taiwan Straits should foster a consensus on democracy, freedom and equal prosperity, and together build anew a single unified China."

The guidelines envision unification after three consecutive phases. For the immediate future is a phase of exchanges and reciprocity, during which the two sides are to carry out political and economic reforms at home and "set up an order for exchanges across the straits * * * [to] solve all disputes through peaceful means and furthermore respect, not reject, the other in the international community," and "not deny the other's existence as a political entity."

In the medium term a phase of mutual trust and cooperation is envisioned, in which "official communications channels should be established on an equal footing," direct trade and other links should be allowed, and "both sides should jointly develop the southeast coastal areas of the mainland." Both sides should also "assist each other in taking part in international organizations and activities" and promote an exchange of visits by high-ranking officials to create favorable conditions for consultation.

In the final phase both sides may jointly discuss the grand task of unification and map out a constitutional system built on the principles of democracy, economic freedom, social justice and nationalization of the armed forces. In today's Taiwan context "nationalization" means enhancement of the nonpartisanship of the armed forces.

Public opinion polls show a hard core of "unification" supporters in Taiwan, amounting to about 10 percent of the population. There is also a group of "independence" advocates whose strength ranges between 5 and 12 percent of the population. In between is a silent majority whose views tend toward the R.O.C. government's long-standing position of "one China, but not now" and its emphasis on phased advances toward the goal of unification. However, as in other democracies, the minority may be vocal and aggressive, and their voices are often amplified through the democratic process, thus complicating the formulation of mainland policy. While the push and pull involved in formulating the R.O.C.'s mainland policy may seem natural to those familiar with Taiwan's increasingly democratic political system, it at times appears inscrutable to the aged leaders in Peking.

Given the widening gap—politically, socially and psychologically—between the two sides of the straits, the danger for the R.O.C. appears to stem not so much from Peking's capricious and expansionist tendencies as from its unwillingness or inability to comprehend the changes in the R.O.C. The mainland's aged leaders seem all too ready to take extreme positions by drawing parallels between the R.O.C.'s democratization and what is derisively called "Taiwanization," and between "pragmatic diplomacy" and "two Chinas." At the heart of these misperceptions is Peking's stereotype of Taiwan as a small island province located on the Chinese periphery and ruled by mainland China's defeated civil war enemies. From this vantage point there is no way Peking can treat Taipei as an equal. The same attitude seems to have led the Peking leadership to deny, or at least suppress, the fact that the R.O.C. has come far in the last four decades in overcoming age-old feudalism, poverty and the last vestiges of imperialism. One hopes that in time the Peking leadership will realize that the R.O.C., as a dynamic polity and vibrant economy with ideals, hopes and fears of its own, likewise cannot agree to hold political negotiations with Peking from an unequal position and while mainland China continues to rattle its saber.

v

For too long too many foreign observers have cast the R.O.C. in a unidimensional mold. For those who hailed the R.O.C. as a bulwark of anticommunism, it was to be supported at any price. For those who favored better relations with mainland China, Taiwan was viewed as a "problem" or an "obstacle" to China's unification. When many in the United States were obsessed with the deteriorating bilateral trade situation, Taiwan even became a "threat" to be curbed by protectionist legislation.

Yet the Republic of China is rapidly coming of age. It is evolving into something that fits none of the old stereotypes. Along with the old stereotypes, we must throw out the old prism through which events on the island were once perceived. No analysis of issues relating to China is complete if it fails to take into account the views, ideals, aspirations and fears of the people of Taiwan.

Just as Taiwan is a part of China, so is the mainland. Neither should seek to lord it over the other or to claim superiority by dint of size, population or past performance. Both should instead recognize the fact that two different systems exist in these separate parts of China. While unification is the ultimate goal of Chinese on both sides of the Taiwan Straits, it should not be pursued simply for its own sake. As the breakup of the Soviet Union has shown, a forced union will ultimately end in divorce. The primary task for both governments in the next few years is therefore not to accelerate artificially the wheels of history, but to carry out reforms at home in order to narrow the political and economic gaps between the two sides. Most important, the unification process should be peaceful and voluntary, so that it will neither constitute an imposition by one side on the other nor cause undue concern among China's neighbors.

As the world celebrates the end of the Cold War, the people of the Republic of China are looking forward to making greater contributions to a new world order. Taiwan's experience shows that the Chinese people, like any other people, are fully capable of practicing democracy, promoting rapid economic growth with equitable income distribution and living peacefully with their neighbors. For this the R.O.C. welcomes the arrival of the global tides of democratization, development, international integration and detente in East Asia.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,884,477,478,442.98, as of the close of business on Tuesday, April 28, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman, and child owes $15,123—thanks to the big-spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab, to pay the interest alone, comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

THE ARMENIAN GENOCIDE

Mr. DECONCINI. Mr. President, April 24 is the day Armenians commemorate the massacres, deportations, and other horrors that befell their people in 1915 and later during World War I. It is a day of remembering, of solemn reflection.

As Armenians mourn, it has become customary for their friends in the U.S. Congress to mark the day with them, to express their solidarity, to share their outrage, and to join their voices in unified resolve to make sure that the world does not forget the genocide which took place at that time.

Such annual commemorations do not mean that we think about the victims only once a year.

Rather, they are a way of focusing our thoughts and feelings at a particular moment in an ongoing remembrance by relatives and friends. Nor is the sole purpose of such institutionalized commemoration to recall the tragic fate of the victims; for while it may seem paradoxical, the concentration on the sufferings of a specific people—Armenians—also lends a universal meaning to their loss and sacrifice by emphasizing the oneness of humanity and of all peoples.

Raffi Hovannisian, Armenia's Foreign Minister, expressed this idea in his remarks at the opening of the CSCE followup meeting in Helsinki on March 26, 1992, when he said:

> Armenians have a keen sense of their history, and we are determined to see that the massacres, deportations, genocide and other atrocities which have befallen our people in the last one hundred years never happens again—to anyone.

Everyone can support this noble sentiment and all of us should work to ensure its realization.

This year, Armenians commemorate their loss while celebrating the rebirth of Armenian statehood. After 70 years of Soviet oppression, Armenia is an independent country, recognized as such by other countries, which have established diplomatic relations with it.

I am proud to have been recently in Armenia, where President Levon Ter-Petrossyan and Catholicos Vazgen stressed their appreciation of United States support and traditional warm ties with Armenia.

Armenia today is a new state, struggling to overcome the legacy of communism and adapting to life in a troubled region. Armenia faces many problems, the most vexing of which is the conflict in Nagorno-Karabakh.

But international mediation efforts, spearheaded by the Conference on Security and Cooperation in Europe, are in motion. I am hopeful that the upcoming CSCE peace conference on Nagorno-Karabakh will bring an end to the bloodshed.

A secure peace and the establishment of mutually beneficial relations with neighboring states at the end of the 20th century—that, Mr. President, would be the best way to honor Armenia's grievous loss in this century's earlier years.

UNITED STATES SHOULD APPLY EQUAL STANDARDS IN ESTABLISHING DIPLOMATIC RECOGNITION TO COUNTRIES OF FORMER YUGOSLAVIA

Mr. PELL. Mr. President, yesterday I joined with Senator DOLE and others to introduce a resolution that urges the United States to withhold diplomatic recognition of Serbia and Montenegro until Serbia meets certain conditions. I am pleased that the Senate passed this resolution last night.

There are special circumstances in the former Yugoslavia that warrant such action on the part of the United States and its allies. I do not usually advocate that the United States delay in establishing a diplomatic relationship with another country. But in this case, the country with which we had diplomatic relations and to which our current Ambassador is assigned—the Socialist Federal Republic of Yugoslavia—has ceased to exist. In its place a new country has emerged, proclaimed by Serbia and Montenegro on April 27 to be the Federal Republic of Yugoslavia, and comprising the territory of those two former Republics.

The new Yugoslavia, subjected to the leadership of Serbian President Slobodan Milosovic, is currently engaged in aggression against its neighbors. It has initiated war against the newly independent states of Bosnia-Hercegovina and Croatia, and is brutally repressing the Albanian population in Kosova, which was once an independent province.

Mr. President, earlier this month, the United States at long last recognized the independence of Slovenia, Croatia, and Bosnia-Hercegovina. These countries had to jump through proverbial hoops before the United States would recognize their independence. In making his announcement, President Bush said:

> We take this step because we are satisfied that these states meet the requisite criteria for recognition (of their independence).

He also said that the United States would begin consultations to establish full diplomatic relations with those countries.

However, the United States has put the leaders of these states on notice that they must make certain commitments before the United States will take that next step and establish diplomatic relations with them. These commitments include: Adherence to CSCE principles and implementation of CSCE commitments; respect for the independence and territorial integrity of other former Yugoslav republics; implementation of commitments made at the EC negotiation conference; fulfillment of treaty obligations of the former Yugoslavia, including assumption of appropriate share of international financial obligations; commitment to responsible security policies including adherence to the Nuclear Nonproliferation Treaty as a nonnuclear state; adherence to other international agreements relating to weapons of mass destruction and destabilizing military technologies; and finally, commitment to the establishment of a market economy and cooperative trade relations with other former Yugoslav republics.

Apparently, Mr. Milosovic, the Serbian leader, has been informed that United States relations with Serbia will depend upon his Government's meeting certain requirements as well. In a statement earlier this week, State Department spokesperson, Margaret Tutwiler said: "* * * the U.S. attitude about future relations with Serbia and Montenegro will be framed by their demonstrated respect for the territorial integrity of the other former Yugoslav republics and for the rights of minorities on their territory." However, in the meantime, the U.S. Ambassador continues to remain in Belgrade, and Belgrade continues to have a seat at the United Nations, the Commission on Security and Cooperation in Europe, and other international organizations.

The other countries have been told that before the U.S. Government will set up a diplomatic mission, they must meet certain standards. However, Mr. Milosovic and his cronies are—astonishingly—enjoying the fruits of diplomatic relations without having done anything of the sort. In fact, the Serbian leaders are taking actions that should preclude diplomatic recognition. The brutal military actions of the Serb-dominated Yugoslav Army and Serbian militants have resulted in the death of innocent civilians and the destruction of homes, schools, churches, and mosques. The town of Medjugorje, to which millions of Americans and Western Europeans have been making pilgrimages in recent years, is threatened by destruction. The Albanians of Kosova continue to be denied their basic human rights.

Mr. President, last week the New York Times published an editorial entitled "What if Bosnia Had Oil?" This piece argues that Mr. Milosovic bears the lion's share of the blame for the current cycle of violence in the former Yugoslavia. It also suggests several concrete ways for the United States to express its opposition to Serbia's actions. I ask unanimous consent that it be printed in the RECORD at the end of my remarks, and I commend it to my colleagues. I also wish to thank my colleagues for their support of the resolution.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 23, 1992]

WHAT IF BOSNIA HAD OIL?

When Saddam Hussein sent his divisions plunging into helpless little Kuwait, President Bush proclaimed an inviolable principle: Aggression would not stand. Hah, cynics said, the issue is not principle but oil. If Kuwait were not rich in oil, the West would have not rushed half a million soldiers to the Persian Gulf.

Was the President following a double standard? The world now looks to the aggression, every bit as cruel and unprovoked, by Serbia's Slobodan Milosevic against Bosnia and Herzegovina. That newborn state has no oil—and no defenses. Will the U.S. and Europe stand up for principle as strongly as they did for petroleum?

Bosnia is just the place for the Administration to show it means what Secretary of State Baker says about collective engagement to secure peace. Yet the State Department does no more than mumble, as if innocent Bosnians were equally to blame. How much more Serbian terror is required to get the Administration to talk and act sternly, to turn Serbia into a pariah until it lets go of Bosnia?

Mr. Milosevic bears chief blame for the bloodletting. Bosnia preferred to remain in a loosely confederal Yugoslavia. But when he whipped up Serbian nationalism, driving out other republics, Bosnia was forced to flee a Serb-dominated rump state. Now, ignoring the latest U.S. entreaty, he seems determined to dismember Bosnia. Serb irregulars and the Serb-led Yugoslav Army are stepping up their barrages against Bosnia's defenseless towns. They have seized two-thirds of Bosnia and driven tens of thousands from their homes.

There are several concrete ways for the United States to take the lead now:

Deny recognition to Serbia as Yugoslavia's legal heir; break relations with the Yugoslav shell; expel the Milosevic gang from international organizations like the United Nations.

Work to increase U.N. peacekeeping forces in Sarajevo and disperse them through Bosnia.

Tighten, and enforce, the economic blockade on landlocked Serbia. Without oil, weapons, ammunition and spare parts, Serbia's war machine will eventually grind down.

To be effective, these diplomatic and economic pressures require full cooperation from Europe. Much as it did in the Persian Gulf war, Washington can mobilize a unified

Europe. No one has a greater stake in territorial integrity than the rest of Europe, East and West. Europeans cannot—dare not—tolerate Mr. Milosevic's dangerous attempt to change Bosnia's borders by force.

Stepping up the pressure may at a minimum rouse Serbs opposed to aggressive Milosevic nationalism. Many have fled or gone into hiding rather than march with a marauding Yugoslav Army. If the rest truly care about protecting kinsmen in Bosnia and elsewhere, they will press their Government to stop the terror and get out of Bosnia. If Americans believe in the principle that aggression is intolerable, they will stand up for it, oil or no oil.

EARTHQUAKE HAZARDS IN NEVADA

Mr. REID. Mr. President, I rise today to offer my condolences to the citizens of our sister State of California after this past week's two severe earthquakes. These two events illustrate two points concerning the hazards earthquakes pose to our Nation.

First, while both of these events, the magnitude 6.1 on last Wednesday and the 7.0 on Saturday, caused structural damage in the quake region, the lack of any loss of life from these tremblers demonstrates that the efforts of the entire earthquake mitigation community has succeeded to a large measure in preparing the population about earthquake hazards in California. Decades of work on local planning boards, building code committees, and public awareness initiatives have reduced the human cost of earthquakes.

These two most recent disasters must remind citizens in many other States that they also live in earthquake country and need to be as prepared as California. We should take a page from California's record on this issue and redouble efforts outside California to increase earthquake hazard mitigation funding.

My second point is that both of these earthquakes were also felt in Nevada. My State has had a long history of earthquakes. While not as often, still as large. In 1872, the Owens Valley earthquakes in California, magnitude 7.8, caused strong shaking and damage in Nevada. The population of my State at that time was only a fraction of what it is today. In 1954, over only a 4-month period, four large earthquakes shook western and central Nevada; the largest of these had a magnitude of 7.2. Today the Reno-Carson City urban corridor is home to one-third of my State's population. A severe earthquake occurs in Nevada, on average every 27 years, and it has been more than that length of time since the last one.

Earthquakes occur without warning. No organization like the National Weather Service can beam information out to the public to tell citizens when a quake is imminent. This means we must maintain our virgil and readiness. Earthquake awareness week has just been completed in Nevada. For the first time, children in schools across Nevada participated in earthquake drills. Preparation is important, but earthquake mitigation is key.

We need to continue mapping active faults as part of a geologic mapping and land-use planning program. We must maintain and upgrade seismographic stations which show the faults that are active. Finally, we need to assess in detail earthquake hazards in States outside California.

I urge my colleagues to join me in: First, supporting Senator INOUYE's earthquake and volcano hazard bill; second, support full funding at authorized levels the National Earthquake Hazard Reduction Program [NEHRP]; and third, urge the Federal Emergency Management Agency [FEMA] to direct funding to where the earthquake hazard is the greatest, not solely based on population.

Nevada, like California and Alaska are located in Uniform Building Code [UBC] earthquake risk zone 4, the highest level of risk. As a percentage of population, Nevada has the highest percentage of its population in risk zone 4 of any other State. My State has the fewest number of unevaluated bridges in risk zone 4. We have the lowest number of FEMA grants to perform earthquake education, earthquake risk evaluation and mitigation studies by congesssional district in risk zone 4.

Let us learn from the earthquakes in California and work toward a safer future for all citizens in this great country by striving to mitigate the earthquake hazards across this land now.

THE BANK OF GRANITE: MOST PROFITABLE IN THE UNITED STATES

Mr. HELMS. Mr. President, before coming to the Senate, I had the privilege of serving as executive director of the North Carolina Bankers Association. In that capacity, I had a unique opportunity to work with some extraordinary individuals whose lives and careers embodied the American dream.

During the recess, I ran across an article in the Hickory News about one such individual, John A. Forlines, Jr. John is chairman and chief executive officer of the Bank of Granite, at Granite Falls, NC.

The article notes that the Bank of Granite has been rated by the United States Banker magazine as America's most profitable bank based on its average return on investment and adjusted returns on average assets. Incidentally, 2 other North Carolina banks are among the magazine's top 60 as well—LSB Bancshares in Lexington, and First Security Financial in Salisbury.

When asked by the magazine about his bank's success, John Forlines observed that the Bank of Granite serves "the garden spot of the world."

But John also credited the bank's operating philosophy. "We don't have any automatic formula," he noted, "we run a lean ship * * * we don't have excess people around here." He cited his "largely consumer and small business" base and the fact that the bank's employees pride themselves "on giving good personal service." Obviously, the people in the communities John serves respond to this kind of service.

Mr. President, I congratulate John on this remarkable achievement. Moreover, the designation of the Bank of Granite as our Nation's most profitable bank illustrates two points which all Senators would do well to keep in mind when we consider legislation affecting our Nation's banks, as well as other businesses: First, that adherence to the business fundamentals of efficiency, quality, integrity, and service is still a certain formula for success; and second, that even with the growth of large national and regional banks, there is still a place in our economy for smaller, community-based banks.

Mr. President, I ask unanimous consent that the Hickory News article of April 16, "Nation's most profitable bank," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hickory News, Apr. 16, 1992]

NATION'S MOST PROFITABLE BANK

Bank of Granite, headquartered at nearby Granite Falls, is not only listed among the 60 most profitable banks in the USA in the April issue of United States Banker—but heads the list as the most profitable in the nation.

The banking magazine, in business since 1891, had the bank's chairman and chief executive officer, John A. Forlines Jr., on the cover—sharing the honors with three other leaders in the industry.

Based on its survey, "the $335 million-asset Bank of Granite Corp. of Granite Falls, N.C., is America's most profitable bank. The reason: its adjusted return on average assets never dipped below 1 percent in the four years from 1988 through 1991, and its average return on investment for those four years, at 2.09 percent, was the highest of all the banks that met the basic criteria," the magazine reported.

To qualify for the survey, banks had to earn at least 1 percent on assets for each of the four years and its equity/asset ratio had to be at least 5 percent.

In the old days, the article stated, it was customary to separate small banks from large banks because regulars demanded that small banks have higher capital ratios than big banks. The theory: small banks were less diversified and therefore needed a bigger capital cushion. That philosophy has changed and regulars no longer discriminate against small banks.

Bank of Granite, used as an example, was at the small end of the size spectrum, while its equity/asset ratio of 12.7 percent was among the highest. And because earnings were so high, its return on equity was "still a hearty 17.2 percent."

In the report, Mr. Forlines, 73, refers to the area as "the garden spot of the world." From

a banker's perspective, "no wonder," the magazine reported. "The company's return on investment has exceeded 2 percent on average assets for six years."

A dozen years ago, Mr. Forlines stated, "we didn't know whether we'd survive or prosper. Strangely, we had the best years ever."

Asked if he had a secret, the banker said he didn't have any. "We don't have any automatic formula. We run a lean ship. We don't have excess people around here.

"We pride ourselves on giving good personal service. We don't waste our time with big, big companies; they want everything for free."

BANKER "AWFULLY PROUD * * *"

"Awfully proud, proud of our people," is how John Forlines reacted to being named at the top of the 60 most profitable banks in the USA.

The chairman of the board and CEO of the bank wasn't surprised the bank was among the 60 most profitable, but was "somewhat surprised" to be at the top of the list.

ORDER FOR STAR PRINT—S. 2461

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 2461 be star printed to reflect a change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISCAL YEAR 1993 BUDGET AND REVISED FISCAL YEAR 1992 BUDGET—MESSAGE FROM THE PRESIDENT—PM 233

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's 1993 budget request and 1992 budget supplemental request.

The District of Columbia Government has submitted two alternative 1993 budget requests. The *first alternative* is for $3,311 million in 1993 and includes a Federal payment of $656 million, the amount authorized and requested by the D.C. Mayor and City Council. The *second alternative* is for $3,286 million and includes a Federal payment of $631 million, which is the amount contained in the 1993 Federal budget. My transmittal of this District budget, as required by law, does not represent an endorsement of the contents.

As the Congress considers the District's 1993 budget, I urge continuation of the policy enacted in the District's appropriations laws for fiscal years 1989–1992 of prohibiting the use of both Federal and local funds for abortions, except when the life of the mother would be endangered if the fetus were carried to term.

GEORGE BUSH.

THE WHITE HOUSE, *April 30, 1992.*

MESSAGES FROM THE HOUSE

At 6:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 174. Joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month"; and

S. J. Res. 222. Joint resolution to designate 1992 as the "Year of Reconciliation Between American Indians and non-Indians.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2763) to enhance geological mapping of the United States, and for other purposes.

The message further announced that the Speaker makes the following modifications in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1150) entitled "An act to reauthorize the Higher Education Act of 1965, and for other purposes":

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 427 and 1405 of the Senate bill, and sections 499A, 499B, and 499C of the House amendments and modifications committed to conference: Mr. BROWN, Mr. BOUCHER, Mr. THORNTON, Mr. WALKER, and Mr. PACKARD.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 388. Joint resolution designating the month of May 1992, as "National Foster Care Month";

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day";

H.J. Res. 430. Joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week"; and

H.J. Res. 466. Joint resolution designating April 26, 1992, through May 2, 1992, as "National Crime Victims' Rights Week."

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2454. An act to authorize the Secretary of Health and Human Services to impose disbarments and to take other action to ensure the integrity of abbreviated drug applications under the Federal Food, Drug, and Cosmetic Act, and for other purposes; and

H.R. 3337. An act to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the White House, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3066. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the annual wildfire rehabilitation report for calendar year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3067. A communication from the Acting General Sales Manager of the Foreign Agricultural Service, transmitting, pursuant to law, amendments to the previous determination of the agricultural commodities and qualities available for programing under Public Law 480 during fiscal year 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3068. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the status of certain budget authority proposed for rescission in his third special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations.

EC–3069. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the proposed rescission of certain budget authority proposed by the President in his fourth special impoundment message for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation.

EC–3070. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC–3071. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize civilian students to attend the United States Naval Postgraduate School; to the Committee on Armed Services.

EC–3072. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report covering certain properties to be transferred to

the Republic of Panama in accordance with the Panama Canal Treaty of 1977 and related agreements; to the Committee on Armed Services.

EC–3073. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the President's annual report on the Panama Canal Treaties for fiscal year 1991; to the Committee on Armed Services.

EC–3074. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the biennial President's Report on National Urban Policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–3075. A communication from the Director of the Office of Thrift Supervision, transmitting, pursuant to law, the annual report on the preservation of minority savings associations for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC–3076. A communication from the Acting Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the annual report on the effectiveness of the Civil Aviation Security Program for calendar year 1990; to the Committee on Commerce, Science, and Transportation.

EC–3077. A communication from the President of the United States, transmitting, pursuant to law, an executive order barring overflight, takeoff, and landing of aircraft flying to or from Libya; to the Committee on Commerce, Science, and Transportation.

EC–3078. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3079. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Energy Information Administration for calendar year 1991; to the Committee on Energy and Natural Resources.

EC–3080. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on National Historical Landmarks that have been damaged or to which damage to their integrity is anticipated; to the Committee on Energy and Natural Resources.

EC–3081. A communication from the Secretary of the Interior, transmitting, pursuant to law, a recommendation with respect to the location of a memorial to George Mason; to the Committee on Energy and Natural Resources.

EC–3082. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3083. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3084. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, notice on leasing systems for the Central Gulf of Mexico, Sale 139, scheduled for May 1992; to the Committee on Energy and Natural Resources.

EC–3085. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3086. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–3087. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to abolish the position and Office of the Federal Inspector for the Alaska Natural Gas Transportation System, to transfer its functions to the Secretary of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

EC–3088. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of a delay in the submission of recommendations under the Medicare prospective payment system; to the Committee on Finance.

EC–3089. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report of the Commission for calendar year 1991; to the Committee on Finance.

EC–3090. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the taxation of Social Security and Railroad Retirement Benefits in calendar year 1989; to the Committee on Finance.

EC–3091. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for the quarter ended December 31, 1991; to the Committee on Finance.

EC–3092. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, General Services Administration for the period ended September 30, 1991; to the Committee on Governmental Affairs.

EC–3093. A communication from the Executive Director of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC–3094. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC–3095. A communication from the Employee Benefits Manager of the Farm Credit Bank of Columbia, transmitting, pursuant to law, the annual audited financial statements of the Bank for the plan year ended August 31, 1991; to the Committee on Governmental Affairs.

EC–3096. A communication from the Chairman of the Board of Directors of the Rural Telephone Bank, Department of Agriculture, transmitting, pursuant to law, the annual report on the financial management systems of the Bank in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC–3097. A communication from the Chairman of the Board of Directors of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report on the financial management systems of the Corporation in effect during fiscal year 1991; to the Committee on Governmental Affairs.

EC–3098. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1991; to the Committee on Governmental Affairs.

EC–3099. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on Indian Health Service tribal contract costs; to the Select Committee on Indian Affairs.

EC–3100. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on actions taken to recruit and train Indians to qualify for positions which are subject to preference under Indian preference laws; to the Select Committee on Indian Affairs.

EC–3101. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to repeal Acts extending the coverage of the Federal Tort Claims Act to include Indian tribes, tribal contractors, and others; to the Select Committee on Indian Affairs.

EC–3102. A communication from the Assistant Vice President of the National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC–3103. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC–3104. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC–3105. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC–3106. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend the programs under the Runaway and Homeless Youth Act and the Program for Runaway and Homeless Youth under the Anti-Drug Abuse Act of 1988; to consolidate authorities for programs for runaway and homeless youth, and for other purposes; to the Committee on the Judiciary.

EC–3107. A communication from the Attorney General of the United States, transmitting, pursuant to law, recommendations concerning the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on the Judiciary.

EC–3108. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for the remedy of a civil injunction for the violations of counterfeiting and forgery, and for other purposes; to the Committee on the Judiciary.

59–059 O—96 Vol. 138 (Pt. 7) 42

EC-3109. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3110. A communication from the Deputy Secretary of Education, transmitting, pursuant to law, final regulations—Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children where Local Educational Agencies Cannot Provide Free Suitable Public Education; to the Committee on Labor and Human Resources.

EC-3111. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on literacy and education needs in public and Indian housing; to the Committee on Labor and Human Resources.

EC-3112. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1991 Annual Report on the National Institites of Health AIDS Research Loan Repayment Program; to the Committee on Labor and Human Resources.

EC-3113. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a revised National Strategic Research Plan for Balance and the Vestibular System and Language and Language Impairments; to the Committee on Labor and Human Resources.

EC-3114. A communication from the Chairman of the Board of the Student Loan Marketing Association, transmitting, pursuant to law, the annual report of the Association for calendar year 1991; to the Committee on Labor and Human Resources.

EC-3115. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priorities for certain new direct grant awards under the Office of Special Education Programs; to the Committee on Labor and Human Resources.

EC-3116. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Secretary of Veterans Affairs for fiscal year 1991; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-324. A resolution adopted by the Senate of the State of Alaska to the Committee on Appropriations.

"SENATE RESOLVE NO. 8

"Whereas the United States Geological Survey Volcano Hazards Program in the Department of Interior, through its Alaska Volcano Observatory, provides warnings and advisories concerning impending and ongoing volcanic eruptions in Alaska to business, government, and the public; and

Whereas these warnings and advisories save lives and property in Alaska and in aircraft flying over Alaska; and

"Whereas the future of Alaska depends upon a safe environment for business and commerce and a growing role as a stopping place for the world's airlines; and

"Whereas the airline industry has voiced its concern about proper monitoring of Alaska's volcanoes; and

"Whereas Alaska contains most of the hazardous volcanoes in the United States; and

"Whereas the Alaska Volcano Observatory is the only source of volcano hazard expertise in Alaska;

"Be it resolved that the Alaska Senate respectfully requests the United States Congress to restore funding in fiscal year 1993 for the Alaska Volcano Observatory to the 1992 level, and to appropriate sufficient additional funds to include the heavily traveled Aleutian region in the volcano monitoring effort; and

"Be it further resolved that the Alaska Senate respectfully requests the Department of Interior to include the Alaska Volcano Observatory in its budget for the U.S. Geological Survey Volcano Hazards Program at a level that provides for the safety of the public and commerce in Alaska."

POM-325. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Appropriations.

"SENATE CONCURRENT RESOLUTION NO. 110

"Whereas, breast cancer strikes one in nine women in the United States today, and it is estimated that breast cancer has taken the lives of 44,500 women in 1991 alone; and

"Whereas, in 1992, an estimated 2,300 women in Iowa will be diagnosed with breast cancer and 600 will die; and

"Whereas, there has been a 3 percent increase in the incidence of breast cancer since 1980; and

"Whereas, while the incidence of breast cancer is highest among older women, the incidence is rapidly increasing in women under 40, making breast cancer a concern for women of all ages; and

"Whereas, while it is known what characteristics place some women at greater risk for developing breast cancer, experts still do not completely understand the cause of breast cancer or how to prevent its occurrence; and

"Whereas, despite advancements in detection and treatment methods, the mortality rate from breast cancer has remained essentially unchanged; and

"Whereas, screening mammography plays a vital role in early diagnosis when breast cancer is in the most curable state; and

"Whereas, low income, minority status, and lack of health insurance affect the ability of many women to obtain screening services, making it more likely they will not be diagnosed until in the advanced stages of breast cancer, significantly reducing their chances of survival; Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring, That the General Assembly supports efforts to promote early detection of and effective treatment modalities for breast cancer in Iowa.

"Be it further resolved, That the General Assembly urges the Congress of the United States to enact legislation to ensure adequate funds to advance efforts to find a cure and effective preventive measures for breast cancer.

"Be it further resolved, That the Secretary of the Senate send copies of this Resolution to the Governor of the State of Iowa, to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the United States Senate, to the Chief Clerk of the United States House of Representatives, to each member of the Iowa congressional delegation, and to the presiding officer of each house of the legislature in each state in the union."

POM-326. A resolution adopted by the Senate of the General Assembly of the State of Connecticut; to the Committee on Armed Services.

"SENATE RESOLUTION NO. 5

"Resolved by the Senate:

"Whereas, the Seawolf is our first line of defense and discontinuance of the Seawolf program is being considered by President Bush, Defense Secretary Cheney and the Congress; and

"Whereas, shutting down the Seawolf program will, in addition to crippling our security program, result in the loss of thousands of Connecticut jobs at a time when our economy is already suffering from excessive unemployment; and

"Whereas, members of Connecticut's Congressional delegation are leading the drive to convince President Bush, Secretary Cheney and Congress to continue the Seawolf program; and

"Whereas, discontinuance of the Seawolf program will mean that our country will lose the technological and production capabilities which have made the American submarine program the envy of the world; and

"Whereas, the men and women of Electric Boat are conducting a petition drive calling on President Bush, Secretary Cheney and the Congress to continue the Seawolf program.

"Now, therefore, be it resolved, That the Connecticut State Senate joins in and supports the efforts of the Connecticut Congressional delegation and the men and women of Electric Boat to save the Seawolf program; and

"Be it further resolved, That copies of this resolution be forwarded to President Bush, Secretary Cheney, the members of the Armed Services and Appropriations Committees of the United States Congress and to the members of the Connecticut Congressional delegation."

POM-327. A resolution adopted by the Academic Senate of California State University, Hayward opposing the Department of Defense's discriminatory practices in the Reserve Officers Training Corps; to the Committee on Armed Services.

POM-328. A resolution adopted by the New York State Nurses Association commending the outstanding service and contribution rendered by New York state military nurses; to the Committee on Armed Services.

POM-329. A resolution adopted by the Senate of the State of Florida; to the Committee on Armed Services.

"SENATE MEMORIAL NO. 8F

"Whereas, the United States Government is proposing to severely reduce the number of National Guard units serving this country, and

"Whereas, the Department of Defense has specifically recommended eliminating several distinguished Florida National Guard units, and

"Whereas, Florida National Guard units have served the United States of America and Florida as an intrinsic, cost-effective component of the military and civil defense forces, and

"Whereas, Florida National Guard units have played important roles in military actions since 1636, when the first Spanish militia units were formed in St. Augustine, and

"Whereas, most recently, Florida National Guard units were vital components of Operation Desert Storm, and

"Whereas, the Florida National Guard is active in the war on drugs, both in this state and throughout this hemisphere, and

"Whereas, National Guard troops and armories are a significant part of the communities in which they are located, and

"Whereas, these Florida units should continue to be able to serve their state and their country in times of peace and war, Now, therefore,

"Be It Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged, when debating restructuring of the Armed Forces, to consider a balanced approach to the force reductions brought about by the end of the cold war; to consider the impact of the National Guard as a component of the state's civil defense forces; to consider the consequences to the economic recovery of communities that host National Guard units; and to honor the dedication and sacrifice made by our citizen soldiers.

"Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-330. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Armed Services.

"SENATE JOINT RESOLUTION NO. 159

"Whereas, as part of its force reduction, the National Guard Bureau has selected the 276th Engineer Battalion of the Virginia National Guard for deactivation during 1992; and

"Whereas, given recent events in Eastern Europe and elsewhere, such a force reduction effort is both appropriate and necessary; and

"Whereas, the decision to make one of the best units among the first to be eliminated is nevertheless highly questionable; and

"Whereas, the 276th Engineer Battalion is clearly one of the best, recently named by the U.S. First Army as the best of the twelve such units in the First Army area; and

"Whereas, the 276th Engineer Battalion is also one of the oldest in the nation, tracing its linkage back to the First Virginia Regiment, once commanded by George Washington and Patrick Henry; and

"Whereas, this clearly superior and historic unit has performed yeoman service to the citizens of Virginia as the single most capable and effective unit in the state to respond to civil emergencies caused by floods and other natural disasters; and

"Whereas, the 276th Engineer battalion has served the citizens of the Commonwealth in diverse and valuable ways and in all areas of the state; and

"Whereas, the Governor of Virginia, L. Douglas Wilder, has expressed serious reservations regarding the decision to eliminate the 276th Engineer Battalion; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring. That the General Assembly hereby strongly urge the reconsideration of the decision to eliminate the 276th Engineer Battalion as part of the nationwide force reduction program; and, be it

"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, the members of the Virginia Congressional delegation, the United States Secretary of Defense, the Secretary of the Army, and the Chief of the National Guard Bureau so that they may be apprised of the sense of the General Assembly of Virginia."

POM-331. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the movement toward democratization in Eastern Europe and the reconstruction of the Soviet Union into the Commonwealth of Independent States has been truly historic and promises to open a new chapter between East and West as the current climate in international relations is conducive to cooperation and continuing the relaxation of tensions; and

"Whereas, traditional defense postures, strategies and commitments should be reevaluated in light of the change of events; and

"Whereas, power in today's world is increasingly measured in terms of a balance of economic, humanitarian and military power and as during the 1980's, the United States was transformed from the world's largest creditor nation into the world's largest debtor nation; and

"Whereas, the policies of the 1980's relied upon a massive peacetime military buildup and a consequent federal disinvestment in important domestic programs concerning housing, economic and community development, the environment, education, transportation and the basic social and physical infrastructure of our society; and

"Whereas, local elected officials and state governments have consistently urged Congress and the administration to set its fiscal house in order while balancing its budgetary priorities to address the crucial domestic needs of this nation and achieve significant reductions in debt and deficit spending and reasonable military spending without compromising our national military security; now, therefore, be it

"Resolved: That We, you Memorialists, endorse economic diversification and conversion legislation and long-term national strategy that includes a comprehensive plan preparing defense-related industries, bases and laboratories to diversify and convert to civilian production with a minimum loss of jobs; provides economic adjustment assistance to workers and businesses in the defense industry; and provides grants to local and state governments to aid communities that would be severely impacted by cuts in defense expenditures; and be it further

"Resolved: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to reorder their budgetary priorities in a way that addresses the key urban and rural problems facing our nation, including a commitment to quality education, environmental protection, winning the war on drugs, economic health and opportunity, affordable health care and housing, infrastructure repair and maintenance and viable public transportation systems; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-332. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

"Whereas, the United States Naval Shipyard at Kittery has performed in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

"Whereas, the communities located near the Kittery yard in Maine, New Hampshire and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Navel Shipyard at Kittery; now, therefore, be it

"*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

"*Resolved:* That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-333. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

"Whereas, the United States Naval Shipyard at Kittery has performed in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

"Whereas, the communities located near the Kittery yard in Maine, New Hampshire and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; Now, therefore, be it

"*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be if further

"*Resolved:* That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-334. A resolution adopted by the Senate of the State of Georgia; to the Committee on Banking, Housing and Urban Affairs.

"SENATE RESOLUTION 429

"Whereas, the 1988 amendments to the federal Fair Housing Act expressly prohibited discriminatory housing practices against individuals with handicaps and required that future multifamily dwellings be accessible and adaptable to the needs of persons with mobility impairments or physical disabilities; and

"Whereas, the 1988 amendments greatly expanded the number of younger mentally and physically handicapped persons who qualify for residency in housing which was previously seniors—only housing; and

"Whereas, in many previously safe senior citizen communities, the elderly residents feel terrorized and threatened by persons who could present a physical danger to them; and

"Whereas, the special housing needs of the mentally handicapped and physically disabled are specifically recognized and protected under the Fair Housing Act, but the act should also ensure the adequate protection and safety of older persons and permit certain public housing to be limited to seniors only.

"Now, therefore, be it resolved by the Senate, That the members of this body urge the United States Congress to amend the federal Fair Housing Act to permit certain public housing to be limited to seniors only.

"Be it further resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Secretary of the Senate of the United States Congress, to the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation."

POM–335. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Commerce, Science and Transportation.

"SENATE JOINT RESOLUTION 92–4

"Whereas, The electromagnetic spectrum, as managed by the federal government, is of vital importance and a national resource for public, as well as private, sector radio frequency needs; and

"Whereas, Electromagnetic spectrum resources are utilized at the state and local level as a reliable means of communication in matters of public safety and interest, such as state and local law enforcement operations and emergency responders; and

"Whereas, Public utilities have made substantial investments in facilities and equipment necessary for accessing the allocated frequencies assigned to them in the electromagnetic spectrum, such investments having been made in recognition of the limitations of alternative methods of transmission for public purposes; and

"Whereas, The United States Congress, the Federal Communications Commission, and the National Telecommunications and Information Administration are in the process of examining current and future radio frequency spectrum requirements and uses, including the possibility of allocating part of current frequencies for emerging technologies, forcing radio frequencies currently allocated to state and local government and public utility uses to be shared with such emerging technologies; and

"Whereas, The potential cost to public utilities alone in Colorado to relocate radio frequencies to other technologies as a result of such federal actions could reach approximately one hundred twenty-six million dollars, with a total cost nationally rising to over eight hundred million dollars, with collective investments of existing users approaching four billion dollars; now, therefore,

"Be it resolved by the Senate of the fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"(1) That, in view of the limitations of the radio frequency spectrum, management reforms should be instituted to improve the current allocation and frequency assignment process, with such process being weighted toward relative merit of intended use and not random chance or financial ability, with access being provided to all users of the spectrum.

"(2) That proposals allowing developing technologies to share the same bandwidth presently utilized by state and local government and public utilities should not be adopted until such time as transmission can sufficiently be assured to avoid signal interference with public users.

"(3) That the General Assembly opposes any effort to provide additional frequency by means of reallocating what is currently allocated for state and local government and public utility uses until such time as the impact on current users is adequately addressed at the federal level.

"(4) That the General Assembly urges the United States Congress to hold public oversight hearings as soon as possible on Federal Communications Commission and National Telecommunications and Information Administration activities in the area of radio spectrum management.

"Be it further resolved, That copies of this Resolution be sent to the Honorable Dan Quayle, the President of the United States Senate; the Honorable Thomas Foley, the Speaker of the United States House of Representatives; and to Colorado's delegation in the United States Congress."

POM–336. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Energy and Natural Resources.

"JOINT RESOLUTION

"Whereas, women are an integral and important part of the military; and

"Whereas, over 1,600,000 women have served in the nation's armed forces; and

"Whereas, there is a need to honor women for their fine performance in and outstanding contributions to the nation's armed forces throughout history; and

"Whereas, the Members of the Legislature and the people of the State of Maine have the greatest pride in the women of the United States Armed Forces and support them in their efforts; now, therefore, be it

"Resolved: That We, your Memorialists, support the Congress of the United States in its efforts to construct a memorial to the women who have served in the United States Armed Forces and respectfully urge and request that the Congress of the United States provide funding for the project; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; the secretary of Defense; the Honorable John R. McKernan, Jr., Governor of the State of Maine; and each member of the Maine Congressional Delegation."

POM–337. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

"SUBSTITUTE SENATE JOINT MEMORIAL 8024

"Whereas, The timber industry in the State of Washington is in serious economic decline; and

"Whereas, Timber jobs, which support the communities, families, and related businesses, are in jeopardy due to altered policies caused by the program for the protection of the spotted owl and changes in the timber industry; and

"Whereas, Timber which has been blown down in several national forests in this state can be salvaged and consists of an estimated total of seventy million one hundred thirty thousand board feet; and

"Whereas, A carefully supervised removal of downed trees using environmentally sound silviculture methods can produce timber for local mills while at the same time leaving an undamaged old growth forest; and

"Whereas, Some logs can be left to decay and contribute to rich, fresh soil; and

"Whereas, Careful removal of the timber using existing roads will reduce the potential for extensive bug infestation and major wildfires that could damage the forest; and

"Whereas, Salvage sales could provide fifteen to twenty jobs per million board feet of salvaged timber; and

"Whereas, The sales are supported by the Governor's Timber Policy Team as well as the legislature;

"Now, therefore, Your Memorialists respectfully pray that the President and Congress pass legislation authorizing the United States Forest Service to offer salvage sales of blown down timber in the Pacific Northwest National Forests allowing the state to reap the economic and environmental benefits.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the United States Forest Service, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington."

POM–338. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION 92–9

"Whereas, There is currently pending before the United States Congress legislation to establish wilderness areas in Colorado; and

"Whereas, The benefits of designating wilderness areas must be balanced against the consequences of such designation upon the economic and social welfare of the citizens of Colorado; and

"Whereas, The designation of wilderness areas may significantly affect the economic health of this state by adversely impacting private and public property interests and rights in land, water, and mineral resources, by establishing barriers to access to such property interests, by preempting existing private property rights, and in other ways; and

"Whereas, Readily available and reliable water supplies are absolutely vital to the health and economic development of the people of this state; and

"Whereas, Uncertainty relative to the existence of implied federal reserved water rights for existing and new wilderness areas clouds property titles, discourages natural resources management and development, and

disrupts the State's water rights administration system, resulting in economic stagnation and unproductive litigation; and

"Whereas, Federal reserved water rights for wilderness areas in Colorado are inconsistent with the right and ability of Colorado to effectively manage and fully utilize the valuable water resources allocated to it by interstate compacts and equitable apportionment decrees; and

"Whereas, The laws of Colorado and the instream flow program of the Colorado Water Conservation Board are adequate to protect water resource values in wilderness areas in Colorado; and

"Whereas, National forest lands are foreclosed from multiple use while they retain a wilderness study status, resulting in loss of economic and recreational opportunities, and sufficient time has passed for study of the suitability of such lands for wilderness designation; and

"Whereas, Congress is considering S. 1029 which represents a legitimate and good-faith balancing of the issues involved in the designation of wilderness, and the compromise inherent in S. 1029 cannot and should not be changed without destroying the consensus which supports this legislation; and

"Whereas, S. 1029 will result in the designation of an area larger than the entire state of Rhode Island as wilderness; and

"Whereas, The opposition to S. 1029 by extremists on both sides of the issue should not be allowed to jeopardize this unique opportunity for a resolution of this important issue; now, therefore,

"*Be It Resolved by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein*:

"That Congress is urged to adopt only such wilderness legislation as embodies the following principles:

"(1) Wilderness legislation must fully protect private property rights;

"(2) Boundaries for wilderness areas must be drawn so as to include only those areas which are suitable for such designation, while excluding conflicting uses within such boundaries to the extent possible;

"(3) Reasonable rights of access for private property must be reconfirmed and maintained;

"(4) Federal reserved water rights for all existing and new wilderness areas must be expressly disclaimed;

"(5) Water resource values in wilderness areas in this state should be protected through the Colorado instream flow program;

"(6) The designation of wilderness areas should not interfere with state water allocation and administration, or limit existing or future development and use of Colorado's interstate water allocations; and

"(7) Public lands which have been studied for possible designation as wilderness areas and which are not being designated as wilderness areas at this time should be released from study status and returned to multiple use.

"*Be It Further Resolved*, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, each Member of Congress from the State of Colorado, the Chairman of the United States Senate Energy and Natural Resources Committee, and the Chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives."

POM–339. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance.

"HOUSE RESOLUTION NO. 1546

"Whereas, for years, revenue sharing programs of the United States government have returned tax dollars to State and local governments for use in fulfilling a variety of capital, service and project needs; and

"Whereas the reduction and elimination of revenue sharing programs have withdrawn a source of State and local government funding at a time when these entities' other financial resources are dwindling; and

"Whereas Illinois and its units of local government are suffering the loss of revenue sharing monies while forced to bear the consequences of decreased federal programs and services; therefore be it

"*Resolved, by the House of Representatives of the Eighty-seventh General Assembly of the State of Illinois*, That we urge reinstatement by the federal government of revenue sharing programs and that we strongly support the necessary presidential and congressional action required to return much needed funds to the State and local governments; and be it further

"*Resolved*, That suitable copies of this resolution be presented to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and each member of the Illinois congressional delegation."

POM–340. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

"JOINT RESOLUTION

"Whereas, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rate for establishment and expansion of manufacturing enterprises; and

"Whereas, the availability of small issue industrial development bonds is critical to the economic development of Maine, providing expansion, diversification of the manufacturing sector and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity and quality critical to the long-term stability of the State's manufacturing base, and

"Whereas, in the past 7 years, small issue industrial development bonds resulted in investments of approximately $500,000,000 in Maine and the retention or creation of over 35,000 jobs in the State and enhanced the tax base of municipalities throughout the State; and

"Whereas, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation forthwith to eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

POM–341. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION NO. 395

"Whereas Michigan may be assessed $12–13 million by the Internal Revenue Service in excise surtaxes on DTP (diphtheria, tetanus, and pertussis) vaccines it manufactures and provides to local health departments free of charge for infants and children; and

"Whereas Massachusetts also produces its own vaccines for infants and children and has been assessed millions of dollars in federal excise taxes (FET); and

"Whereas the state of Michigan does not directly use or sell these vaccines, but gives them to local health departments or through other public programs which, in turn, administer them or give them to doctors to administer them; and

"Whereas charging the state $4.56 per dose for supplying these life-saving vaccines is clearly bad public policy; and

"Whereas many parents could not have their children vaccinated without this valuable program; and

"Whereas the state provides this service at no cost to the federal government; and

"Whereas Congress has appropriated funds which may be utilized by the states of Michigan and Massachusetts for the partial payment of the excise tax claimed due; and

"Whereas these appropriations only cover forty percent of the tax liability; now, therefore, be it

"*Resolved by the Senate (the House of Representatives concurring)*, That we memorialize the Congress of the United States to take further action to assist these states in this worthwhile endeavor by specifically exempting Michigan and Massachusetts from the federal excise tax on vaccine production when the vaccines are provided free of charge to local health departments or alternatively to increase the funds appropriated to assist these states so that the full tax liability is covered; and be it further

"*Resolved*, That a copy of his resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Michigan and Massachusetts congressional delegations."

POM–342. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Governmental Affairs.

"HOUSE CONCURRENT RESOLUTION

"Whereas, nearly 30 years after the event, the assassination of President John F. Kennedy on November 22, 1963, continues to stand as one of the most troubling chapters in our nation's history; and

"Whereas, immediately following the assassination, the Warren Commission was established under the direction of then Supreme Court Chief Justice Earl Warren to inquire into the circumstances surrounding the president's murder; in its final report issued in 1964, the commission concluded that Kennedy's death was the work of a lone assassin, Lee Harvey Oswald, who himself had been killed by Dallas nightclub owner Jack Ruby two days after the president's demise; and

"Whereas, since that time, a number of scholars and legal experts have contended that the Warren Commission ignored vital evidence, kept relevant documents secret, and published a report contradictory to

many of the known facts of the case; continuing questions about the assassination eventually led to the creation of the House Select Committee on Assassinations, a 12-member panel established by house resolution in 1976 and specifically charged with investigating the circumstances of President Kennedy's assassination, as well as those of other political murders; and

"Whereas, on December 30, 1978, the committee released a statement to the press concluding that President Kennedy "was probably assassinated as a result of conspiracy"; at the same time, it recommended that the Justice Department review its findings to determine "whether further official investigation is warranted"; and

"Whereas, despite the committee's strongly worded statement, its actual report, issued six months later, was held by many critics to reflect serious shortcomings in the investigation; experts who have reviewed the lengthy document have questioned whether the published report accurately represented the evidence and testimony presented to the committee; and

"Whereas, contributing to this climate of distrust is the fact that a substantial number of documents used by both the Warren Commission and the House Select Committee on Assassinations have never been released for public inspection; the failure to disclose such evidence, particularly disputed autopsy photographs, has been seen by many citizens as an effort to obscure the facts surrounding the president's death; and

"Whereas, only in an atmosphere of full disclosure can the questions regarding this tragic event be finally put to rest; we owe it to ourselves, and to all citizens of this land, to seek the truth with the openness and honesty that justice demands; now, therefore, be it

"*Resolved*, That the 72nd Legislature of the State of Texas, 3rd Called Session, 1992, hereby request the Congress of the United States to immediately make public all files pertaining to the assassination of President John F. Kennedy used by the Warren Commission and the House Select Committee on Assassinations; and be it further

"*Resolved*, That if certain files cannot be made public, Congress be requested to prepare a report explaining specifically why individual documents must be withheld; and, be it further

"*Resolved*, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the United States house of representatives, to the president of the senate of the United States Congress, and to all members of the Texas delegation to Congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."

POM-343. A resolution adopted by the Legislature of the State of New Mexico; to the Committee on the Judiciary.

"SENATE MEMORIAL 27

"Whereas, Freedom of Speech is a cherished right conferred by the First Amendment to the Constitution of the United States; and

"Whereas, the guarantee of Freedom of Speech is not absolute but must be balanced against threats to the National peace and to the maintenance of local order; and

"Whereas, the American Flag is a cherished symbol of our Nation's history and the struggle for liberty, freedom and justice in our world, and the desecration of that Flag is the desecration of those basic ideals upon which our Country is based; and

"Whereas, the American Flag has symbolized hope for a brighter future and a chance for equal justice and opportunity for all; and

"Whereas, the American Flag has rallied our troops in times of peril and overwhelming odds; and

"Whereas, Americans have died defending the Freedoms represented by the Flag, and in their honor the dignity of the Flag should not be demeaned, but the Flag should be treated with respect; and

"Whereas, the American Flag symbolizes our National unity and inspires others to pursue the goals of Democracy, Liberty and Justice;

"Now, therefore, be it resolved by the Senate of the State of New Mexico that the United States Congress be requested to propose an Amendment to the Constitution of the United States to be ratified by the States specifying that Congress and the States shall have the power to prohibit the physical desecration of the Flag of the United States; and

"Be it further resolved that copies of this Memorial be transmitted to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and all members of the New Mexico Congressional Delegation."

POM-344. A resolution adopted by the Vermont Democratic Party opposing the forcible repatriation of the Haitian refugees and favoring temporary protected status for the refugees; to the Committee on the Judiciary.

POM-345. A joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on the Judiciary.

JOINT RESOLUTION 27

"Whereas, although the right of free expression is part of the foundation of the United States constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas, there are symbols of our national soul such as the Washington monument, the United States capitol building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas, the American flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States supreme court no longer accords to the stars and stripes that reverence, respect and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the stars and stripes of a proper station under law and decency; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the legislature of the state of Wisconsin proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the state of Wisconsin requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, prohibiting the physical desecration of the flag of the United States; and, be it further

"Resolved, That a duly attested copy of this joint resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to each member of the congressional delegation from this state, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution of the 1991 legislature of the state of Wisconsin."

POM-346. A joint resolution adopted by the Legislature of the State of Vermont; to the Committee on the Labor and Human Resources.

"JOINT RESOLUTION 74

"Whereas, every 12 minutes a woman dies of breast cancer in the United States, and

"Whereas, the National Cancer Institute estimates that approximately one in ten American women can expect to contract breast cancer during her lifetime, and

"Whereas, 44,500 American women died from breast cancer in 1991, and

"Whereas, approximately 100 Vermont women die from breast cancer each year, and

"Whereas, during the 1980's funding for federal cancer research decreased by six percent in real dollars overall and as much as 34 percent in some programs, and

"Whereas, in 1990, less than five percent of all federal cancer research dollars were targeted for breast cancer research, and

"Whereas, despite over 20 years of great concern and rhetoric about fighting the war on cancer in the United States, the amount of breast cancer research has not been commensurate with the need that statistics indicate and there is still no certain cure for, or known cause of, breast cancer, and

"Whereas, increased federal and state commitments to breast cancer prevention and cure will in the long run not only save millions of women's lives but also reduce the economic costs associated with the disease, now therefore be it

"Resolved by the Senate and House of Representatives:

"That the General Assembly declares and directs the Governor to designate that Mother's Day 1992 shall also be a date of remembrance and recovery and a day of resolution to join in the fight against breast cancer, and be it further

"Resolved: That the General Assembly strongly urges the United States Congress to enact legislation recommending that the Secretary of Health and Human Services declare breast cancer a public health emergency for the purpose of accelerating investigation into its cause, treatment, and prevention, and urge the President of the United States to sign the legislation into law, and be it further

"Resolved: That the Secretary of State transmit copies of this resolution to the Governor of the State of Vermont, to the President and Vice-President of the United States, to the Speaker of the United States House of Representatives, to the President [I[Pro Tempore]I] of the United States Senate, to each Senator and Representative from Vermont in the Congress of the United States, to the Chief Clerk of the United

States House of Representatives, to the Secretary of the United States Senate, and to the presiding officer of each of the other states' Houses in the Union."

POM-347. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on the Veterans' Affairs.

"JOINT RESOLUTION

"Whereas, there will be an event commemorating the 10th anniversary of the Vietnam Veterans Memorial in Washington, D.C. from November 7 to November 11, 1992; and

"Whereas, this event will present an opportunity for our nation, which was too long divided over the Vietnam War, to join together in remembrance and reflection and to honor those who lost their lives in that conflict; and

"Whereas, the Legislature and the people of the State of Maine wish to express their support for this commemoratory event; now, therefore, be it

"Resolved: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to express our support for the event recognizing the 10th anniversary of the Vietnam Veterans Memorial; and be it further

"Resolved: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; Jan Craig Scruggs, President of the Vietnam Veterans Memorial Fund; and Barbara Bush, Honorary Chair of the Vietnam Veterans Memorial 10th Anniversary Advisory Committee."

POM-348. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on the Veterans' Affairs.

"JOINT RESOLUTION

"Whereas, there exists a gross inequity in the federal statutes that denies disabled career military retirees the right to receive Veterans Administration disability compensation concurrently with the receipt of earned retirement pay due on the basis of 20 or more years of service in the Armed Forces of the United States; and

"Whereas, the career military retiree is the only government employee who is now required to waive a portion or all of the retiree's earned retirement pay in order to receive Veterans Administration disability compensation due for loss of earning capacity and for pain and suffering as a result of a service-connected disability; and

"Whereas, a change in the federal statutes is required to ensure equitable treatment for the many disabled career military retirees who served this country faithfully and with dedication for at least 20 years and now bear the burden of loss of earning capacity and endure pain and suffering as a result of their service-connected disability; and

"Whereas, the prevailing idea that military retirement pay is free is false. There is an important contribution to retirement pay that is calculated to reduce military pay by approximately 7% when pay, base and allowance, are computed and approved by Congress; and

"Whereas, traditionally, a career military retiree receives a lower salary than the retiree's civilian counterpart; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to amend 38 United States Code, Section 3104(a) to permit veterans with service-connected disabilities and who are retired members of the United States Armed Forces to receive Veterans Administration service-connected disability compensation with earned longevity retirement pay without deduction from either; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 826. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes (Rept. No. 102-272).

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

S. 2402. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on March 10, 1992, in accordance with Title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-273).

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

S. 2403. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on March 20, 1992, in accordance with Title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-274).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 2551. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on April 8, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-275).

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

S. 2570. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on April 9, 1992, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended (Rept. No. 102-276).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2638. A bill to extend until December 31, 1994, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid; to the Committee on Finance.

By Mr. NICKLES:

S. 2639. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals; to the Committee on Finance.

By Mr. CRANSTON (by request):

S. 2640. A bill to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. BURDICK, Mr. CHAFEE, Mr. SASSER, and Mr. DOMENICI):

S. 2641. A bill to partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1992; considered and passed.

By Mr. FORD:

S. 2642. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENTSEN (for himself, Mr. PACKWOOD, Mr. DOLE, Mr. ROCKEFELLER, Mr. DURENBERGER, Mr. RIEGLE, and Mr. CHAFEE):

S. 2643. A bill to amend title XVIII of the Social Security Act to limit modification of the methodology for determining the amount of time that may be billed for anesthesia services under such title, and for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM:

S. 2644. A bill to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for purposes of safety; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. D'AMATO):

S. 2645. A bill to require the promulgation of regulations to improve aviation safety in adverse weather conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. COCHRAN, and Mr. HEFLIN):

S. 2646. A bill to amend the Rural Electrification Act of 1936 to provide eligible rural electric borrowers with the means to secure necessary financing from private sources, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. AKAKA):

S. 2647. A bill to amend title 38, United States Code, and title 10, United States Code, to revise and improve educational assistance programs for veterans and members of the Armed Forces, to improve certain vocational assistance programs for veterans, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. THURMOND, Mr. GRAHAM, Mr. DIXON, Mr. HOLLINGS, Mr. KOHL, Mr. JOHNSTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SHELBY, Mr. SANFORD, Mr. RIEGLE, Mr. WARNER, Mr. GRASSLEY, and Mr. COATS):

S.J. Res. 295. A joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

By Mr. ADAMS (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mr. COHEN,

Mr. CRANSTON, Mr. DECONCINI, Mr. DODD, Mr. GARN, Mr. GRASSLEY, Mr. JOHNSTON, and Mr. REID):

S.J. Res. 296. A joint resolution to designate the week of May 17, 1992, through May 23, 1992, as "National Senior Nutrition Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2638. A bill to extend until December 31, 1994, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSIONS

• Mr. LAUTENBERG. Mr. President, I rise today to introduce a bill to suspend duties on several chemical compounds used in the manufacture of products important to the health care of many Americans. I am joined today by my friend and colleague, the senior Senator from New Jersey [Mr. BRADLEY]. A companion bill has already been introduced in the House of Representatives by Mr. FORD.

Iopamidol, iohexol and ioxaglic acid are state-of-the-art, nonionic diagnostic imaging agents—dyes injected into a patient to help physicians better visualize certain organs and tissues—primarily used in cardiology and radiology. Bristol-Meyers-Squibb cites reports which claim that these agents lessen the chances of severe and potentially life-threatening reactions by 70 to 80 percent.

Iopamidol and related nonionic contrast agents are used especially for the most fragile patients, including those with heart disease and the elderly. Nonionic contrast media, such as iopamidol, are also used in CAT scans to detect cancer and abnormalities of the anatomy, and in cardiac catheterization to diagnose life-threatening blockages of arteries and to provide vital information to heart surgeons.

This bill would suspend for 3 years the duty on these chemical compounds. According to the ITC's draft report these chemicals are not manufactured in the United States and must be imported from Italy, France, and Norway to meet United States demand. We understand that there is no opposition to this legislation from other domestic chemical companies. These imports are critical to the U.S. manufacture of these important health care products. The tariff merely adds additional costs to the manufacturing process without protecting U.S. industry.

By suspending these tariffs, we can assist in promoting the competitiveness of U.S. manufacturers and protecting the jobs of American workers who turn these imported materials into finished products. In New Jersey, 800 workers at Bristol-Meyers-Squibb are engaged in the production of the diagnostic products which are manufactured from the chemical compounds as treated in this legislation. With the duty suspension, the company expects to continue to expand its operations, which could result in the creation of new jobs.

For these reasons, I urge my colleagues to act swiftly to pass this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IOHEXOL, IOPAMIDOL, AND IOXAGLIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking out "9/30/91" and inserting "12/31/94" in each of the following headings:

(1) Heading 9902.30.64 (relating to iohexol).

(2) Heading 9902.30.65 (relating to iopamidol).

(3) Heading 9902.30.66 (relating to ioxaglic acid).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(c) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer not later than 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.64, 9902.30.65, or 9902.30.66 of the Harmonized Tariff Schedule of the United States that was made—

(1) after September 30, 1991, and

(2) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.•

By Mr. NICKLES:

S. 2639. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals; to the Committee on Finance.

EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAXATION

Mr. NICKLES. Mr. President, common logic in this town is that an economic stimulus package is dead. I happen to be of the opinion that there is plenty we can do to get our economy moving again. Recently, 100 of the Nation's leading economists called on Congress and the administration to provide an economic stimulus this year. While I may not agree with every one of their suggestions, I believe they are correct in calling for action.

Among the primary factors contributing to our economic stagnation is the low savings rate among Americans. Those who create jobs depend upon investment capital which comes from people who save and invest. According to the National Center for Policy Analysis, for every $1 billion cut in taxes on investment income there will be a $25 billion increase in the output of goods and services and workers will get about $12 billion in increased after-tax wages.

Since 1975, the savings rate in the United States has dropped significantly. According to the "Economic Report of the President" for 1992, personal savings as a percentage of disposable income has fallen from 8.7 percent in 1975 to 5.3 percent in 1990.

According to the Competitiveness Policy Council, a Federal bipartisan advisory group divided equally among business, labor, government, and the public, reported that the American household savings rate is the "lowest by far of any major country in the world." In 1990 American consumers saved less than 5 cents out of every dollar earned, compared to Japan, where they save the equivalent of 16 cents on the dollar.

Right now the Federal Government is penalizing the American family for saving and investing. Government has ignored the decline in personal savings rates demonstrated by the figures I have mentioned. There is something we can do to change this.

Today, I am introducing legislation which will allow taxpayers to exclude up to $500 of interest and dividends for an individual return and $1,000 for a joint return. This legislation removes the tax penalty on interest and dividends and creates the incentive for individuals and families to start saving and investing.

This proposal will benefit over 93 million taxpayers, which translates into 82 percent of all Americans filing tax returns. This proposal will benefit all taxpayers and not just those with IRA's. The interest and dividend exclusion will help the senior who is dependent on the interest earned on a certificate of deposit which represents his or her life savings. It will also help the young couple with simply a savings account that earns interest. I hope to encourage people to put more in that savings account or CD.

The exclusion of interest and dividends is not an original or new idea. In 1981 a combined exclusion of $200—$400 on a joint return—was in effect. The personal savings rate as a percentage of gross domestic product was 6.3 percent during 1981. Subsequently, the Economic Recovery Tax Act of 1981 repealed the $200/$400 exclusion. During the period following repeal, the personal savings rate as a percentage of GDP fell from 5 percent in 1983 to 4.4 percent in 1986. The Tax Reform Act of 1986 repealed the remaining $100 dividend exclusion and similarly the personal savings rate as a percentage of GDP fell again in 1987 to 3.1 percent and has remained consistently low.

This concept of encouraging savings through the Tax Code not only has his-

torical success in this country but in other countries as well. This concept was part of the tax system set up by American economists sent to rebuild Japan after World War II. Under this rebuild system, Japan exempted all savings from taxation and currently has the best savings rate of any industrialized nation. By creating capital for investment, they provided the foundation for the economic prowess of the Japan we know today.

Mr. President, with the introduction of this legislation I hope to begin the debate on the urgent need to provide an incentive to increase savings in this country. I recognize there are many obstacles ahead and much convincing to do. But it is time we turn to proven economic policies that increase savings, stimulate the economy, and create jobs.

By Mr. CRANSTON (by request):

S. 2640. A bill to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2640, the proposed Veterans' Educational Assistance Improvements Act of 1992. The Secretary of Veterans Affairs submitted this legislation by letter dated April 23, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter, and enclosed section-by-section analysis.•

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Educational Assistance Improvements Act of 1992."

(b) REFERENCES TO TITLE 38.—Except as otherwise may be specifically provided, whenever in the Act an amendment or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TABLE OF CONTENTS

SEC. 2. PROVISION FOR PERMANENT PROGRAM OF TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION FOR CERTAIN VETERANS WITH TOTAL DISABILITY RATINGS.

(a) IN GENERAL.—(1) Section 1163(a) is amended—

(A) In paragraph (1), by—

(i) striking out "during the" and inserting in lieu thereof "during and after the initial"; and

(ii) striking out "a period of 12 consecutive months" and inserting in lieu thereof "the period described in paragraph (3) of this subsection";

(B) In paragraph (2)(B), by inserting "initial" before "program"; and

(C) By adding at the end the following new paragraph:

"(3) The period referred to in paragraph (1) of this subsection for maintaining an occupation shall be 12 consecutive months in the case of a qualified veteran who begins such occupation during the initial program period or 6 consecutive months if the veteran begins his or her occupation after the initial program period."

(2) Section 1163(b) is amended by striking out "During the program period, the" and inserting in lieu thereof "The".

(3) Section 1163(c)(1) is amended by striking out "In the case" and all that follows through "providing—" and inserting in lieu thereof the following:

"The Secretary shall provide to each qualified veteran awarded a rating of total disability described in subsection (a)(2)(A) of this section, at the time notice of each such award is given to the veteran, a statement containing—".

(b) CLERICAL AMENDMENT.—(1) The table of sections at the beginning of chapter 11 is amended by striking out "1163. Temporary Program" and inserting in lieu thereof "1163. Program".

(2) The catch line at the beginning of section 1163 is amended by striking out "Temporary program" and inserting in lieu thereof "Program".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 3. PROVISION FOR PERMANENT PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS.

(a) IN GENERAL.—Section 1524 is amended—

(1) By amending subsection (a) to read as follows:

"(a) A veteran awarded pension may apply for vocational training under this section and, if the Secretary makes a preliminary finding on the basis of information in the application and otherwise on file with the Department of Veterans Affairs that, with the assistance of a vocational training program under subsection (b) of this section, the veteran has a good potential for achieving employment, the Secretary shall provide the veteran with an evaluation to determine whether the veteran's achievement of a vocational goal is reasonably feasible. Any such evaluation shall include a personal interview by a Department of Veterans Affairs employee trained in vocational counseling unless, in the Secretary's judgment, such an evaluation is not feasible or not necessary to make the determination required by this subsection.";

(2) In subsection (b), by striking out paragraph (4); and

(3) By amending subsection (d) to read as follows:

"(d) Notwithstanding section 1525 of this title, a veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the 3-year health-care eligibility protection provisions of section 1525 without regard to whether the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b)(1) of that section) during or after the program period applicable to such section."

(b) CONFORMING AMENDMENTS.—Chapter 15 of such title is amended—

(1) In the table of sections of such chapter, by striking out "1524. Temporary program" and inserting in lieu thereof "1524. Program";

(2) In the catch line at the beginning of section 1524, by striking out "Temporary program" and inserting in lieu thereof "Program"; and

(3) In section 1525(a) by—

(A) Inserting "(except as provided in section 1524(c) of this title)" after "program period"; and

(B) Striking out "such chapter" and inserting in lieu thereof "chapter 17 of this title".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of January 31, 1992.

SEC. 4. PILOT PROGRAM OF NONPAY OR NOMINAL PAY TRAINING IN THE PRIVATE SECTOR.

(a) IN GENERAL.—Section 3115 is amended—

(1) in subsection (a)(1), by—

(A) inserting "(A)" after "(i)"; and

(B) striking out "training or work experience" the first place it appears and inserting in lieu thereof the following: "non-job training or work experience; or

"(B) during the three-year period beginning on October 1, 1992, subject to subsection (c) of this section, conduct a pilot program for using any other public or any private entity or employer to provide on-job training,";

(2) in subsection (b), by—

(A) amending paragraph (1) by striking out "(a)(1)" and inserting in lieu thereof "(a)(1)(A)";

(B) amending paragraph (3) by striking out "of a State or local government agency"; and

(C) amending paragraph (4) by striking out "of training" and all that follows through "agencies" and inserting in lieu thereof "(to include on-site monitoring) of on-job training and work experience provided under such subsection (a)(1)"; and

(3) by adding at the end the following new subsection:

"(C) The Secretary shall not approve, nor enter into any contract, agreement, or cooperative arrangement under subsection (b)(3) of this section providing for pursuit of any program of on-job training under subsection (a)(1)(B) of this section which commences after the later of (1) September 30, 1995, or (2) if a written vocational rehabilitation plan for such training for a veteran is executed prior to September 30, 1995, within a reasonable period of time as determined by the Secretary, not exceeding six months, after execution of such plan.".

(b) CONFORMING AMENDMENT.—Section 3108(c)(2) is amended by striking out "in a Federal, State, or local government agency" and inserting in lieu thereof "using the facilities of a Federal, State, or local government agency or of any other entity or employer".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 1, 1992.

SEC. 5. CONTINUITY OF SERVICE FOR MONTGOMERY GI BILL ELIGIBILITY.

(a) IN GENERAL.—Section 3011 is amended by adding at the end the following new subsection:

"(e) Whenever in this chapter active duty service is required to be consecutive, continuous, and/or without a break, such required continuity of service shall not be considered broken by any period during which an individual is assigned by the Armed Forces to a civilian institution as described in section 3002(6)(A) of this title, notwithstanding that the period of such assignment is not active duty for purposes of this chapter.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of October 19, 1984.

SEC. 6. CLARIFYING AMENDMENT TO MONTGOMERY GI BILL ACTIVE DUTY PROGRAM "OPEN PERIOD"

(a) IN GENERAL.—Section 3018(b)(3)(B) is amended—

(1) by striking out "or (iii)" and inserting in lieu thereof "(iii)"; and

(2) by inserting after "hardship" and before the semicolon the following:

", or (iv) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 19, 1984.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

Section 1

Subsection (a) provides that the draft bill may be cited as the "Veterans' Educational Assistance Improvement Act of 1992."

Subsection (b) provides that, unless otherwise specified, whenever in the draft bill an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Subsection (c) sets forth the table of contents for the draft bill.

Section 2

This section would amend section 1163 of title 38 to modify and make permanent the current temporary program of trial work periods and vocational rehabilitation for certain veterans with total disability ratings authorized by that section.

This temporary program was established in 1984 and initially ran from February 1, 1958, through January 31, 1989. It was intended as a test to motivate service-disabled veterans awarded a total rating based on individual Unemployability (IU) to either participate in a vocational rehabilitation program, or utilize existing skills to secure employment.

As motivation, the program required that a veteran awarded an IU rating during the program period had to undergo an evaluation to determine rehabilitation potential or risk termination of the award. If achievement of a vocational goal was found reasonably feasible, an individualized written rehabilitation plan was developed for and with the veteran.

While failure to cooperate in or complete the plan could result in reconsideration of the veteran's continued eligibility for the IU rating based on evaluation findings, successful program pursuit would protect the IU rating unless and until the veteran maintained substantially gainful employment for 12 consecutive months. (Veterans awarded the IU rating before commencement of the program period could request an evaluation and voluntarily participate in a rehabilitation program.)

Public Law 100-687 (Nov. 18, 1988) extended the program through January 31, 1992, and made it completely voluntary after study results showed that those whose participation was voluntary displayed the greatest motivation and the best outcomes. It maintained the trial work period feature of rating protection.

The amendments made by this section would make the section 1163 program permanent, but with a programmatic adjustment: the trial work period protection would be reduced from 12 to 6 consecutive months of substantially gainful employment.

Conceptually, the trial work period feature is consistent with current rehabilitation philosophy and practice, and clearly is an essential element of the program. A six-month period of protection will provide sufficient time to establish a sound adjustment to employment. Hence, the proposed adjustment.

With this improvement, it is appropriate that this program, which has been shown to have positive results, should be made permanent.

Section 3

This section would amend 38 U.S.C. §1524(a)(4) to delete the termination date for the vocational training program for certain veterans awarded VA pension benefits, as well as the program's requirement that veterans under age 45 participate in an evaluation of vocational potential. Further, this section would provide that a personal interview by a VA counselor is not required as part of the veteran's evaluation when such an interview is not practical or necessary for the feasibility determination. Last, the section would maintain, as a permanent feature of the program, protection of health-care eligibility for program participants whose pension is terminated by reason of income from work or training as described in 38 U.S.C. §1525.

Congress established this temporary program of vocational training for cetain new pension recipients in 1984. The program period initially ran from February 1, 1985, through January 31, 1989, and later was extended through January 31, 1992. Under current law, a veteran below age 45 awarded pension during the program period had to participate in an evaluation of his or her vocational potential, unless VA found the veteran was unable to do so for reasons beyond his or her control. If the evaluation disclosed that it was reasonably feasible for the veteran to achieve a vocational goal, the veteran was offered a program of vocational rehabilitation as provided under chapter 31, with certain restrictions.

The section 1524 temporary program clearly has been beneficial. VA finds that approximately one-third of the veterans provided an evaluation are capable of pursuing a vocational program and becoming suitably employed. Further, the proportion of veterans with earnings is an estimated four times higher for veterans who pursue a vocational training program under VA auspices than for veterans who are otherwise capable but do not elect to do so.

VA also has found, however, that providing required evaluations for veterans under age 45 imposes a major administrative burden without commensurate benefit to the veteran or the Government. In fact, a substantially higher proportion of veterans who can participate in the program on a voluntary basis do so in comparison with veterans for whom participation in an evaluation is required. Reducing the administrative burden by eliminating the mandatory requirement for evaluation will improve program effectiveness and conserve staff time without impairing a veteran's access to program services. VA does not believe that reinstatement of the vocational training program is warranted unless this change is made.

Additionally, while the provision affording each veteran the opportunity for a personal interview with a VA employee trained in vocational counseling is retained for the permanent program, an exclusion is made for cases where it is apparent that such an interview would not be productive or where information plainly shows that achievement of a vocational goal is not reasonably feasible.

Finally, the health-care eligibility protection feature is a valuable incentive to program participation and its retention is in the veteran's and the Government's interest.

Section 4

This section would amend section 3115(a)(1) of title 38 to establish a 3-year pilot program that would expand the types of facilities the Secretary could use to provide on-job training at no or nominal pay for veterans as part of their vocational rehabilitation programs under chapter 31 of title 38. The purpose of the pilot program would be to ascertain whether use of the additional (e.g., private sector) facilities to provide such on-job training is feasible, will significantly expand training and employment opportunities, and will result in permanent and stable employment for disabled veterans.

Public Law 100-689 authorized VA to use facilities of Federal agencies and certain State and local agencies to provide nonpay or nominal pay training or work experience as all or part of a veteran's chapter 31 vocational rehabilitation program. Generally, veterans participating in such on-job training become employed in the position for which they trained by the agency providing the training. This, thus, is a valuable tool in providing increased employment opportunities for disabled veterans.

Under the pilot program created by this amendment, the facilities of any private sector entity or employer, as well as of any public entity or employer other than enumerated in the existing statute, also could be used for these purposes.

The pilot program would run from October 1, 1992, to September 31, 1995. However, while no individual would be permitted to begin an on-job training program under the pilot program after September 31, 1995, an individual who began such training during the program period would be allowed to continuously pursue the training program to completion.

Participants in training under the pilot program would be authorized chapter 31 subsistence allowance at the same rates (i.e., the institutional rates under section 3108(b)) as are currently authorized for nonpay or nominal pay training or work experience in a Federal, State, or local agency under section 3115(a)(1). Moreover, the same administrative requirements (procurement of facilities, monitoring of training, and ensuring the training is in the veteran's and Government's best interest) as apply to the latter training would apply to the pilot program.

The pilot program enacted by this section would be effective October 1, 1992.

Section 5

This section would add a subsection (e) to section 3011 of title 30 to provide that a period during which a chapter 30 Montgomery GI Bill (MGIB) participant is assigned full time by the Armed Forces to a civilian institution for educational pursuit will not be considered a break in the continuity of the individual's active duty service.

Under existing law, an MGIB participant's initial period of obligated active service must be continuous to establish entitlement under that program. Chapter 30 also variously requires continuous active duty service without a break, as well as consecutive years of active duty for eligibility in other areas; e.g., inservice enrollment, "open period" enrollment, and supplemental educational assistance. However, the term "active duty" as defined by section 3002 of title 38 expressly excludes a period when an individual is assigned full time to a civilian institution for substantially the same course of education offered to civilians. Consequently, an MGIB participant who is assigned to such an institution during the period of active duty service required to establish chapter 30 entitlement loses that entitlement.

This amendment would prevent an MGIB participant from being so divested of entitlement under the MGIB. It should be emphasized, however, that the amendment only deems that the period of assignment to a civilian institution shall not interrupt the continuity of the active duty required to establish MGIB entitlement; it does not deem such assignment to be "active duty" countable toward meeting entitlement requirements.

Section 6

This section would enable individuals who enrolled as MGIB participants during the "open period" provided under section 3018 to become entitled to educational assistance thereunder when separated early from the obligated period of military service due to certain physical or mental conditions impeding satisfactory military performance.

Public Law 101-510 authorized most chapter 30 MGIB participants to establish entitlement under that chapter based on a period of otherwise qualifying active duty or Selected Reserve service from which they were separated early for a physical or mental condition, not the result of the individual's own willful misconduct which, though not characterized as a disability, nevertheless, prevented the individual from satisfactorily performing his or her military duties. This provision inadvertently excluded individuals who became MGIB participants under section 3018. The amendment made by this section would correct that oversight.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 23, 1992.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to make certain improvements in the vocational rehabilitation and educational assistance programs for veterans, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This measure, entitled the "Veterans' Educational Assistance Improvements Act of 1992," would make a number of amendments to improve the vocational rehabilitation and education benefit programs administered by the Department of Veterans Affairs. The former amendments include two proposals which would reinstate, amend, and make permanent both the Temporary Program of Trial Work Periods and Vocational Rehabilitation for Certain Veterans with Total Disability Ratings and the Temporary Program of Vocational Training for Certain Pension Recipients, as well as a proposal to establish a 3-year pilot program of nonpay or nominal pay training in the private sector for service-disabled veterans as part of their vocational rehabilitation programs.

Please note that VA submitted legislation during the last session of this Congress that included provisions to make the above-mentioned temporary programs permanent, but the session ended without enactment of such legislation or legislation extending the programs. As a result, both programs lapsed as of January 31, 1992. Accordingly, the provisions for permanency of such programs contained in this measure have been redrafted to account for the lapse.

The measure's education benefit proposals would make two amendments to improve the chapter 30 Montgomery GI Bill. The first would clarify the continuity of active duty service required for program eligibility. The second would make a technical amendment to conform the discharge provisions for "Open Period" enrollees with those for other program participants.

The effect of this draft bill on the deficit is:

Fiscal years

[In thousands of dollars]

Outlays:	
1992	
1993	314
1994	548
1995	816
1996	782
1997	748
1992-97	3,208

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and, if it does, it must trigger a sequester if it is not fully offset. Since the Veterans' Educational Assistance Improvement Act of 1992 would increase direct spending, it must be offset.

The President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Considered individually, the proposals that increase direct spending or decrease receipts would fail to meet the OBRA requirement. However, the sum of all of the spending and revenue proposals in the President's Budget would reduce the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget that together meet the OBRA pay-as-you-go requirement.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.

By Mr. FORD:

S. 2642. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993, 1994, and 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AVIATION NOISE IMPROVEMENT AND CAPACITY ACT

Mr. FORD. Mr. President, today I am introducing a bill to reauthorize the programs of the Federal Aviation Administration for 3 years, and to try to help the citizens of this country affected by airport noise. In 1990, I introduced legislation to address aircraft noise. This bill is a continuation of my noise efforts with the emphasis on noise abatement at airports. This bill will provide unprecedented levels of grant funding for the airport improvement program, and will earmark 20 percent of those funds for noise compatibility projects at the nation's airports. The bill would require that no money may be spent for runway extension or construction unless the airport has submitted a noise compatibility program to the FAA. I have also directed the FAA to undertake research on engine and airframe noise. This bill represents a logical extension of the 1990 noise bill by addressing the problem on the ground.

There are other important aspects of the bill which I will address in a few moments, but first I want to make my own noise on the subject of noise. In the fall of 1990, the Congress passed, as part of the omnibus budget resolution, a bill which mandated the phase-out of stage II aircraft, and authorized the imposition of airport head taxes, or passenger facility charges [PFC's]. I was the principal author of the so-called noise legislation, because I thought it was critical that airlines be able to plan with certainty for an orderly fleet reduction that would assure the citizens living around an airport, quieter skies by the year 2000. The Secretary published a national noise policy to implement the bill. There are three crucial aspects of this law: First, the reduction in stage II aircraft is to be accomplished in stages up to December, 1999; second, any restrictions placed on stage III aircraft by an airport are subject to review by the FAA; and third, any restrictions on the operation of stage II aircraft must be posted for airport users for 180 days.

Much has been made of this last provision. Some say this permits them to

phase out stage II aircraft before the national date. This is simply wrong. A restriction is not a phaseout. A restriction may be permitted; an early phaseout is not. There are a number of restrictions an airport can implement such as a limit on the frequency of operations, time of day restrictions, curfews, noise allocations, preferential runway use, and landing and departure modifications.

We have heard a great deal lately from and about the Port Authority of New York and New Jersey, who are threatening to implement an early phaseout of state II aircraft. The port authority fails to see the distinction between a restriction and a phaseout. As I have said before, there is no reason to have a national phaseout date if airports can still do anything they want.

In this debate, there is constant reference to a colloquy between Senator LAUTENBERG and me at the time of the Senate passage of the conference report. It has been suggested that I agreed that airports could phaseout state II aircraft at an earlier date. This thinking defies simple logic. I knew at the time I engaged in the colloquy that I was referring to restrictions, not an early phaseout. I am now being referred to as a revisionist because of my insistence that there is a difference between restrictions and early phaseouts.

Contrary to the House report on the FAA reauthorization bill, the legislation does not and did not permit a phaseout at Newark or any place else which is earlier than the national phaseout date. Newark may, as anyone may, impose restrictions on stage II aircraft.

Another issue that continues to be misunderstood is the linkage between the national noise policy and the PFC. The heart of the 1990 bill was that linkage. I understand that the port authority is astonished that they cannot levy a PFC if they choose to violate the national noise policy with an early stage II phaseout. The law is very clear—if an airport does not comply with the national noise policy, then the airport will relinquish their right to impose a PFC, as well as to receive airport grants.

The 1990 legislation grandfathered airport noise restrictions that were already in place. During the formulation of the bill and up until the conference, various airports with noise restrictions in progress approached me to seek accommodation of their situations. No one from the port authority ever contacted me. If they contemplated such restrictions at that time—as the colloquy suggests—it would have been wise for them to have approached us to deal with it then.

Other airports with noise problems seem to be working out solutions with the neighbors of the airports without the need to have an early phaseout. Just last week, the Minneapolis/St. Paul Metropolitan Airport Commission agreed to a voluntary plan with their cargo carriers on night flights. I commend Minneapolis for this agreement, as it proves that noise problems can be addressed if carriers, airports, and communities work together.

My suggestions to the port authority are to consider using the PFC to deal with the noise problems they have. The authority may improve their relations with airport neighbors if they conduct part 150 studies, or use some of the noise money in this bill I am introducing today for noise abatement. They could soundproof homes and work on noise compatibility programs in the communities, talk to the air carriers and try to workout restrictions, and look at other airports that have successful noise abatement programs for solutions.

Since I mentioned PFC's, I want to take this opportunity to commend Col. Leonard Griggs and his excellent staff in the FAA airports office for the good job they have done implementing the PFC regulations.

Mr. President, many of the provisions of the bill have come about due to the noise problems being experienced at the Greater Cincinnati/Northern Kentucky Airport located in Boone County, KY. On January 10, 1991, a new north/south runway was opened and takeoff procedures to the south shifted due to air traffic control regulations on simultaneous takeoffs. These departure procedures were not instituted for noise abatement reasons. Thousands of Boone County citizens now experience noise from this new runway. Most of these neighborhoods never before experienced aircraft noise. Increasing the set aside for noise abatement programs will certainly assist the Greater Cincinnati/Northern Kentucky Airport in resolving the noise issue.

There have been a number of complaints from northern Kentucky citizens that financial information is not readily available for the community to review. Since airports receive Federal funds, I do not believe it is an imposition to require the airport to make their budgets public. This should help communities participate in the development and operation of airports and make the airport a better community citizen.

My bill increases the cargo formula percentage from 3 to 4 percent, and also lifts the cap available for cargo airports from $50 to $100 million. I had started the cargo entitlement in the 1987 FAA reauthorization bill. Runways have no idea whether the planes landing on them contain passengers or packages. Since the cargo carriers were paying into the trust fund, it seemed logical that airports should receive an entitlement for cargo usage as well as passenger entitlements.

Another provision which was initiated in the 1987 bill was the establishment of the minimum AIP entitlement for primary airports. This was a provision that I added as a result of my experiences with two small airports in Kentucky in Owensboro, my hometown, and Paducah. It has worked extremely well so the bill I am introducing today increases the minimum entitlement for these airports from $300,000 to $400,000.

I said there were other important aspects of the bill and I don't want to neglect those. Since I have been chairman of the Aviation Subcommittee, I have seen three FAA Administrators. That is not counting Barry Harris who is acting in the position now, and may I add he is doing a fine job. I have worked well with all of the administration, but there just have been too many. No sooner do we get one who knows the ropes, learns his way around, than he is out of there. Political differences, changes of administration, secretarial-inspired moves—all have contributed to the short tenure of the Administrators. I want to change that. My bill gives the FAA Administrator tenure of 5 years. This provision is modeled on the FBI statute and would be effective for an Administrator appointed after March 1993.

My bill authorizes about $25 billion from the airport and airway trust fund over a 3-year period to cover 75 percent of the FAA's costs. As I have already mentioned, there are significant increases in the Airport Grant Program. I have continued the Essential Air Service Program, and have linked the authority to impose PFC's to the funding level for essential air service.

Sufficient funds are provided in the FAA capital account to assure continuation of the Capital Investment Program to modernize the air traffic control system. I have increased funding for research and development in accordance with recent recommendations from the Augustine Commission, and have directed the FAA to assure that sufficient funds be directed to research on engine and aircraft noise, as well as on aircraft emissions.

I have directed that the FAA continue to hire safety inspectors to accommodate the commercial and commuter airline fleet. The tragic air crash at La Guardia a few weeks ago has brought the subject of aircraft deicing to the fore. My bill directs the FAA to implement regulations by November 1 to improve the safety of operations during winter conditions.

Mr. President, this is an important bill, a necessary bill, a bill which I ask the support of my colleagues in passing. It will help communities around the country deal with airport noise, and it will allow the FAA to continue its important mission and programs without interruption.

Mr. President, I ask unanimous consent the bill, along with a summary of the bill, be placed in the RECORD. I also

ask unanimous consent that a copy of the colloquy of October 27, 1990, between Senator LAUTENBERG and me be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TIME

SECTION 1. This Act may be cited as the "Aviation Noise Improvement and Capacity Act of 1992".

FINDINGS

SEC. 2. The Congress finds the following:

(1) Noise associated with the use of our Nation's airports must be reduced and efforts to mitigate noise must be continued.

(2) Airports must use the airport noise planning program to ensure that capacity expansion minimizes noise to the surrounding community.

(3) The Nation's air traffic control system must be modernized with the most advanced technology, and the necessary capital equipment must be developed and procured, in order to continue the safe and efficient operation of the national airspace system.

(4) There will need to be a continuing increase in the number of aviation safety inspectors to handle the current and future workload of the air carrier and commuter industry.

(5) The United States airline industry lost more than $6 billion in 1990 and 1991. The number of air carriers serving the public has declined substantially as a result of the industry's financial distress and the absence of governmental policies to promote competition. Continued financial losses could result in the further loss of competition and service to the traveling public.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

DECLARATION OF POLICY

SEC. 101. Section 502 of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201) is amended by adding at the end the following new subsection:

"(c) CAPACITY EXPANSION AND NOISE ABATEMENT.—It is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced, and efforts to mitigate noise must be given a high priority.".

AIRPORT IMPROVEMENT PROGRAM

SEC. 102. (a) AUTHORIZATION OF APPROPRIATIONS.—The second sentence of section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended by striking "$5,116,700,000" and all that follows and inserting in lieu thereof "$13,916,700,000 for fiscal years ending before October 1, 1992, $16,416,700,000 for fiscal years ending before October 1, 1993, $18,916,700,000 for fiscal years ending before October 1, 1994, and $21,416,700,000 for fiscal years ending October 1, 1995.".

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)(1)) is amended by striking "1992" and inserting in lieu thereof "1995".

AIRWAY IMPROVEMENT PROGRAM

SEC. 103. (a) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)(1)) is amended by striking all after "Trust Fund" and inserting in lieu thereof "$5,500,000,000 for the fiscal years ending before October 1, 1992, $8,200,000,000 for the fiscal years ending before October 1, 1993, $11,100,000,000 for the fiscal years ending before October 1, 1994, and $14,000,000,000 for the fiscal years ending before October 1, 1995.".

(b) WEATHER SERVICES.—Section 506(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(d)) is amended by striking the second sentence and inserting in lieu thereof the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to $35,596,000 for fiscal year 1993, $37,800,000 for fiscal year 1994, and $39,000,000 for fiscal year 1995.".

AVIATION RESEARCH

SEC. 104. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

"(A) for fiscal year 1993, $300,000,000;

"(B) for fiscal year 1994, $350,000,000; and

"(C) for fiscal year 1995, $400,000,000.

Not less than 15 percent of the amount appropriated under this paragraph shall be for long-term research projects, and not less than 3 percent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958.".

(b) AIRCRAFT NOISE REDUCTION TECHNOLOGY.—Section 506(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)) is amended by striking paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) AIRCRAFT NOISE REDUCTION TECHNOLOGY.—The Administrator shall assure that sufficient resources are available to ensure a significant national commitment to develop improved technology for reduction in engine and airframe noise and aircraft emissions. Such development efforts should be undertaken in conjunction with the National Aeronautics and Space Administration.".

(c) FUNDING FOR ENHANCING AIRPORT CAPACITY.—Section 506(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(4)) is amended by striking "and 1992" each place it appears and inserting in lieu thereof "1992, 1993, 1994, and 1995".

OPERATIONS OF FEDERAL AVIATION ADMINISTRATION

SEC. 105. Section 106(k) of title 49, United States Code, is amended by striking all after "Administration" and inserting in lieu thereof "$4,412,600,000 for fiscal year 1992, $4,716,500,000 for fiscal year 1993, $5,100,000,000 for fiscal year 1994, and $5,520,000,000 for fiscal year 1995.".

LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM

SEC. 106. Section 1113(e)(4) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1513(e)(4)) is amended by striking "under this subsection on or before" and all that follows and inserting in lieu thereof the following:

"under this section—

"(A) on or before September 30, 1993, if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than $38,600,000;

"(B) on or before September 30, 1994, if, during fiscal year 1994, the amount available for obligation under section 419 of this Act is less than $38,600,000; or

"(C) on or before September 30, 1995, if, during fiscal year 1995, the amount available for obligation under section 419 of this Act is less than $38,600,000.".

APPORTIONMENTS

SEC. 107. (a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting in lieu thereof "4 percent"; and

(2) by striking "(but not to exceed $50,000,000)".

(b) APPORTIONMENT FOR STATES.—Section 507(a)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(3)) is amended by striking "12 percent" and inserting in lieu thereof "11 percent".

(c) APPORTIONMENTS FOR PRIMARY AND CARGO SERVICE AIRPORTS.—(1) Section 507(b)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(1)) is amended by striking "$300,000" and inserting in lieu thereof "$400,000".

(2) Section 507(b)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(b)(3)) is amended by striking "49.5 percent" each place it appears and inserting in lieu thereof "44 percent".

MILITARY AIRPORTS

SEC. 108. Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(5)) is amended—

(1) by striking "1991 and"; and

(2) by inserting ", 1993, 1994, and 1995" immediately after "1992".

AIRPORT NOISE COMPATIBILITY PROGRAM

SEC. 109. (a) NOISE SET-ASIDE.—Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)(2)) is amended by striking "10 percent" and inserting in lieu thereof "20 percent".

(b) RESTRICTION ON AIRPORT DEVELOPMENT.—Section 505(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)) is amended by adding at the end the following new paragraph:

"(3) No obligation shall be incurred by the Secretary for airport development involving a project for the construction or extension of a runway to be used for air carrier operations involving large aircraft at an airport unless that airport has a noise compatibility program, submitted under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979, which takes into account such runway extension or construction.".

MAXIMUM OBLIGATION OF THE UNITED STATES

SEC. 110. Section 512(b)(3) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2211(b)(3)) is amended by striking the period at the end and inserting in lieu thereof the following: "; except that, for fiscal year 1993 and thereafter, the maximum obligation of the United States may be increased for an airport, other than a primary airport, by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based on current credible appraisals or a court award in a condemnation proceeding.".

CONTROL TOWER RELOCATION; COMPLIANCE WITH CERTAIN LAWS

SEC. 111. Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(E) the relocation of an air traffic control tower if such relocation is necessary to carry out a project approved by the Secretary under this title; and

"(F) if funded by grant under this title, any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport), which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business.".

PUBLIC ACCESS TO AIRPORT BUDGETS

SEC. 112. Section 511(a)(11) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)(11)) is amended by inserting ", and a report of the airport budget will be available to the public at reasonable times and places" immediately before the semicolon at the end.

AVIATION SAFETY INSPECTORS

SEC. 113. The Administrator of the Federal Aviation Administration shall, within authorized levels, increase the employment of aviation safety inspectors so that by the end of fiscal year 1995 the ratio of employed safety inspectors to authorized positions is not less than 95 percent. The Administrator shall ensure that the current backlog in inspector training is eliminated by the end of fiscal year 1995, and that adequate administrative and clerical support is made available, from appropriations for Federal Aviation Administration operations, to support the inspector workforce.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

TENURE OF THE ADMINISTRATOR

SEC. 201. Section 106(b) of title 49, United States Code, is amended by inserting immediately after the fourth sentence the following new sentence: "An individual appointed as Administrator after March 1, 1993, serves for a term of 5 years and may not serve more than one term.".

AIRCRAFT OPERATIONS IN WINTER CONDITIONS

SEC. 202. (a) IN GENERAL.—Before November 1, 1992, the Administrator of the Federal Aviation Administration shall require, by regulation, procedures to improve safety of aircraft operations during winter conditions.

(b) FACTORS TO BE CONSIDERED.—In determining procedures to be required under subsection (a), the Administrator shall consider, among other things, aircraft and air traffic control modifications, the availability of different types of deicing fluids (taking into account their efficacy and environmental limitations), the types of deicing equipment available, and the feasibility and desirability of establishing timeframes within which deicing must occur under certain types of inclement weather.

PILOT TRAINING

SEC. 203. Not less than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking to consider whether it is advisable to require enhanced training or education, especially on the use of autopilot and high altitude flight, for pilots operating high performance, single engine, propeller driven aircraft.

PROCUREMENT REFORM

SEC. 204. Section 303 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1344) is amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified by the Administrator as a level I visual flight rules tower. Such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract. The Administrator shall not enter into a contract under this subsection unless the Administrator determines that the State or political subdivision has the capability to comply with such requirements.".

CREDIT FOR FEES

SEC. 205. Section 313(f)(4) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1354(f)(4)) is amended by inserting "or as a charge permitted under section 334(1) of title 49, United States Code," immediately after "subsection".

NOTICE OF CONSTRUCTION

SEC. 206. Section 1101(a) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1501(a)) is amended—

(1) by inserting "or the establishment or expansion," immediately after "of the construction or alteration,";

(2) by inserting "or the proposed establishment or expansion," immediately after "or of the proposed construction or alteration,"; and

(3) by inserting "or sanitary landfill" immediately after "structure".

TITLE III—AIRLINE CONSUMER PROTECTION AND COMPETITION EMERGENCY COMMISSION

SHORT TITLE

SEC. 301. This title may be cited as the "Airline Consumer Protection and competition Emergency Commission Act of 1992".

ESTABLISHMENT OF COMMISSION

SEC. 302. There is established the Emergency Commission on Airline Consumer Protection and Competition (hereinafter referred to as the "Commission"). Appointments to the Commission shall be made within 30 days after the date of enactment of this Act.

PURPOSE

SEC. 303. The purpose of this title is to provide for an assessment of the adverse condition of the United States airline industry and aircraft manufacturing industry and to provide for recommendations to be made to the President and the Congress.

MEMBERSHIP OF COMMISSION

SEC. 304. (a) COMPOSITION.—The Commission shall be composed of seven members who shall be appointed as follows:

(1) One member shall be appointed by the President.

(2) Three members shall be appointed by the Committee on Commerce, Science, and Transportation of the Senate.

(3) Three members shall be appointed by the Committee on Public Works and Transportation of the House of Representatives.

(b) SECTORS REPRESENTED.—Appointments shall be coordinated so that one or more of the members of the Commission are drawn from business, labor, academia, and government and are knowledgeable of the United States airline industry or United States aircraft manufacturing industry.

(c) LEADERSHIP.—The Commission shall elect a Chairman and Vice Chairman.

(d) QUORUM.—Five members of the Commission shall constitute a quorum.

(e) EFFECT OF VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION AND EXPENSES.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in United States Government service, to the extent such funds are available for such expenses.

FUNCTIONS OF THE COMMISSION

SEC. 305. (a) ASSESSMENT OF AIRLINE INDUSTRY.—The Commission shall assess the state of the United States airline industry, shall explore the full implications of foreign ownership of United States air carriers, and shall make specific recommendations to the President and the Congress concerning what governmental policies should be adopted to—

(1) improve the competitive environment for the United States airline industry;

(2) retard the flow of United States air carrier bankruptcies and accompanying loss of jobs for United States citizens;

(3) assure continued ownership and control of United States air carriers by United States citizens;

(4) promote adequate levels of competition and service with reasonable fares in all geographical areas of the Nation; and

(5) stabilize the work environment of airline industry employees.

(b) ASSESSMENT OF AIRCRAFT MANUFACTURING INDUSTRY.—The Commission shall also assess the state of the United States aircraft manufacturing industry and make recommendations to the President and the Congress concerning policies that will help foster a healthy, competitive aircraft manufacturing industry which is owned and controlled by the United States citizens.

REPORT

SEC. 306. Not later than 3 months after the date on which initial appointments to the Commission are completed, the Commission shall submit a report to the President and the Congress on its activities and containing the recommendations required by section 306.

POWERS OF THE COMMISSION

SEC. 307. (a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission finds advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Commission may request from any Federal agency or instrumentality such information as the Commission may require to carry out its functions under this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the

exceptions set forth in section 552 of title 5, United States Code, furnish that information to the Commission upon the request of the Chairman of the Commission.

(2) Upon request of the Chairman of the Commission, any Federal agency or instrumentality shall, to the extent reasonably practicable—

(A) make any of the facilities and services of that agency or instrumentality available to the Commission; and

(B) detail personnel of that agency or instrumentality to the Commission on a nonreimbursable basis, to assist the Commission in carrying out its functions under this title, except that any expenses of the Commission incurred under this subparagraph shall be subject to the limitation on total expenses set forth in section 309(b).

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in advance in appropriations Acts, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to carry out its functions under this title, subject to the limitation on total expenses set forth in section 309(b).

(f) STAFF.—Subject to the rules and regulations adopted by the Commission, the Chairman of the Commission (subject to the limitation on total expenses set forth in section 309(b)) shall have the power to appoint, terminate, and fix the compensation (without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairman considers advisable, at rates not to exceed the maximum rate for GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(g) EFFECT OF FEDERAL COMMITTEE ACT.—The Commission shall be considered an advisory committee under the Federal Advisory Committee Act (5 App U.S.C.).

EXPENSES OF COMMISSION

SEC. 308. (a) AVAILABILITY OF FUNDS.—Any expenses of the Commission shall be paid from such funds as may be available to the President.

(b) LIMITATION ON EXPENSES.—The total expenses of the Commission (excluding salaries) shall not exceed $500,000.

(c) AUDITING REQUIREMENT.—Before the termination of the Commission, the Comptroller General shall audit the financial books and records of the Commission to determine whether the limitation on expenses has been met.

TERMINATION

SEC. 309. The Commission shall cease to exist 9 months after the date of enactment of this Act.

FAA REAUTHORIZATION BILL

MAJOR POINTS: 3-YR REAUTHORIZATION BILL

	1993	1994	1995
Airport grants (billions)	$2.5	$2.5	$2.5
Capital (F&E)	2.7	2.9	2.9
Research	.3	.350	.4
Operations	4.7	5.1	5.5

Authorizes recovery from Trust Fund of 75 percent of FAA costs.

Increases set-aside for noise projects from 10 percent to 20 percent.

Mandates Noise Compatibility Programs (Part 150) for runway extension projects.

Establishes new Research set-aside for aircraft noise reduction technology.

Increases percentage set-aside for cargo airports and eliminates cap of $50 million.

Increases minimum amount for primary airports from $300 thousand to $400 thousand.

Provides more money for states.

Continues Essential Air Service Program and military airports program.

Links PFC authority to Essential Air Service Program.

Requires airports to make their budgets available to the public.

Extends AIP (not PFC) eligibility to federally mandated costs at airports.

Gives the FAA Administrator tenure of 5 years for administrators appointed after March 1, 1993.

Mandates FAA de-icing procedures effective 11/1/93.

Increases hiring of FAA safety inspectors.

Directs FAA to undertake rulemaking to consider more training for pilots of single engine, high performance aircraft.

Establishes Airline Consumer Protection & Competition Commission to assess the condition of the U.S. airline and aircraft industry and to make recommendations to the President and the Congress.

AIRPORT GRANTS PROGRAM

Legislation proposes changes in airport grants program formula and set-asides:

	Current	Proposed
Primary airports (percent)	46.5	40.0
Cargo	[1] 3.0	[2] 4.0
States [3]	12.0	11.0
Set-asides:		
Noise	10.0	20.0
Relievers	10.0	10.0
Military airports	1.5	1.5
Non-primary comm.	2.5	2.5
System planning	.5	.5

[1] With $50 million cap.
[2] No cap.
[3] Current dollar set-aside for Alaska remains unchanged.

Primary Airports.—Current formula is based on enplaned passengers with a per airport cap of $16 million. To date only three airports bump up against the cap. Formula money or 1992 only reaches 32.7 percent—a long way from 46.5 percent. The bill increases the minimum entitlement amount at primary airports from $300 thousand to $400 thousand. This will affect about 50 airports who currently are receiving the minimum, and will amount to about $5 million. Lowering the overall cap to 40.0 percent will not reduce the amounts received primary airports at least for the life of the bill.

Cargo.—Raising the cargo formula percentage by 1 percent from 3 percent to 4 percent, and lifting the $50 million cap, will increase the amount available for cargo from $50 million to $100 million.

States.—Reducing the formula percentage from 12 percent to 11 percent will not reduce the amount of money available to states because of higher overall grant levels. For example, 12 percent of the 1992 level is $228 million: 11 percent of the proposed level would be $275 million.

Noise.—The proposed increase would dramatically increase the amount of money available for noise compatibility planning. Current amount in 1992 is $190 million; proposed level would be $500 million

---

[From the CONGRESSIONAL RECORD, Oct. 27, 1990]

Mr. FORD. Mr. President, I urge my colleagues to pass this reconciliation measure which includes a very important aviation package. After more than a week of difficult negotiations, the conference has produced legislation which will establish a national noise policy and provide for the phaseout by the end of this century of the noisy stage 2 aircraft. The bill also prohibits the addition of stage 2 aircraft to existing fleets.

The conference on the aviation issues has not been an easy one. My colleague in the House, Jim Oberstar, and I have worked more than a week crafting a compromise. Senate and House staff have met around the clock to complete the title in time. The issues we were dealing with are critical to our airlines and our airports, as well as to our citizens. I often say there are no victories in Washington, just degrees of defeat. But I don't feel defeated by the compromises in this bill. This measure will give the air carriers the assurance they need to go forward with the modernization of their fleets, to borrow money to buy the stage 3 aircraft which, ultimately, will improve the quality of life for those citizens living near airports.

After this noise policy is in place, the Secretary may grant authority to airports to impose passenger facility charges [PFC's] for specific airport projects. Before submitting an application to the Department of Transportation, airports must confer with their users and agree on the project to be funded by the additional fees. I hope that the PFC will increase airport capacity and promote growth in a system which is straining to accommodate the needs of the flying public. Provisions of the legislation require a turn back of 50 percent of entitlements by an airport which chooses to charge a PFC. This turn back money will be used to fund small hubs, small airports and general aviation airports.

The bill also authorizes contract authority from the Airport and Airway Trust Fund for the Essential Air Service Program. This will assure continued air service to small communities around the country. The aviation title continues important programs of the Federal Aviation Administration: research, capital development and airport grants, as well as the operation of the air traffic control and aircraft inspection systems.

I urge the Senate to pass this reconciliation package and I appreciate the support of my colleagues in including this aviation package.

Mr. BRADLEY. Mr. President, I thank the Senator from Kentucky, and appreciate his clarifications. I would like to ask further clarification on how the national noise policy will be implemented.

The inclusion of the national noise policy as part of budget reconciliation prevented the committee from holding public hearings and establishing congressional priorities for the policy. The bill provides for the policy to be written by the Secretary of Transportation with opportunities for involvement by citizens through public hearings and a comment period.

Through the course of the hearing process a national noise policy will be developed which will reflect a broad spectrum of interests. The people who are directly affected by aircraft noise have a special understanding of its consequences and therefore must play a part in crafting a national noise policy. It is vital that the local authorities and citizen's groups have a role in developing this policy.

I hope that the committee will exercise rigorous oversight of the development of the national noise policy to make sure that adequate public participation is granted by the Secretary.

Mr. FORD. The Senator can be assured that the committee will monitor the development of the national noise policy. One of the things we will look for is adequate citizen input. The law requires the Secretary to conduct hearings and provide for a public comment period. Congress will also have the authority to make recommendations.

I want to assure my colleagues from New Jersey that the local authorities and citizen groups will play a significant part in this process. The National noise policy should be developed with full opportunity for Federal, local, and civic input.

Mr. LAUTENBERG. Mr. President, I would like to ask the Senator from Kentucky, the chairman of the Aviation Subcommittee, for some clarification on the aviation noise provision included in this proposal.

As my colleague knows, Senator Bradley and I have been working hard to address this problem. It has been a difficult task, but we are making progress. An important part of this progress has been getting the Port Authority of New York and New Jersey, which operates the major airports in our region, to start working with us.

We oppose any policy that would preempt the accomplishments we've made, or efforts we are making. That is why we opposed the original aviation noise policy proposal.

The Senator from Kentucky acknowledged the concerns we and others raised, and has worked to modify the proposal. It is that modification that is now in this reconciliation package.

With regard to the modified proposal, I ask the Senator from Kentucky if he would confirm these points to be true:

First, this agreement would not affect noise control programs now in effect, such as those that have been adopted by the Port Authority of New York and New Jersey.

Second, that, under this proposal, an airport operator would be allowed to impose restrictions on stage 2 operations, without the approval of the FAA, and without risking the loss of AIP money. This is particularly important, as reducing the number of stage 2 planes serving Newark International is a critical part of our efforts to reduce noise in New Jersey.

Third, that the FAA or airport operator would not be prevented from working out operational changes, such as random vectoring, variation in runway use, or altitude requirements, that are designed to reduce noise impacts.

And, an airport operator could impose restrictions on the use of stage 3 planes, by barring certain types, for example, or limiting them to certain hours of operation, subject to review and approval by the FAA.

Mr. FORD. The Senator is correct on each of those points. He has made the case for his constituents, and I believe that we have taken the steps in this legislation to protect the efforts that he has been making to reduce aviation noise in New Jersey.

I also would note that this package contains, at the request of the two distinguished Senators from New Jersey, a requirement for the FAA to conduct an environmental impact statement on the expanded east coast plan. In response to concerns that have been voiced by his constituents, the bill also would not give legislative backing to the 65 Ldn standard as a measure of noise impact.

Mr. LAUTENBERG. I appreciate the clarification made by the distinguished senior Senator from Kentucky, and thank him for his efforts to modify this provision.

By Mr. BENTSEN (for himself, Mr. PACKWOOD, Mr. DOLE, Mr. ROCKEFELLER, Mr. DURENBERGER, Mr. RIEGLE, and Mr. CHAFEE):

S. 2643. A bill to amend title XVIII of the Social Security Act to limit modification of the methodology for determining the amount of time that may be billed for anesthesia services under such title, and for other purposes; to the Committee on Finance.

BILLING FOR ANESTHESIA UNDER MEDICAID

Mr. BENTSEN. Mr. President, I am introducing today a bill to resolve, at least temporarily, the issue of whether Medicare will continue to base payments for anesthesia services on the time practitioners actually spend on a case. By any standard, this is an extremely narrow and technical issue, one that should not require a legislative solution.

Unfortunately, the Health Care Financing Administration [HCFA], which administers the Medicare Program, has repeatedly expressed its intention to shift to a new system under which payment for these services would be based on the average time per case.

HCFA has adhered to this approach despite serious concerns on the part of many in Congress about its potential redistributive effects, particularly on practitioners in teaching hospitals and rural facilities, whose cases typically take longer.

The agency has advanced three main reasons for eliminating the use of actual time: Administrative simplicity; uniform treatment of all physicians; and elimination of an opportunity for practitioners to game the system by billing for excess time.

Simplicity and uniformity are laudable goals—particularly in a program as complex as Medicare—but they should not be pursued to the exclusion of other, equally important policy objectives, such as the accuracy and adequacy of payments.

Although any system dependent on self-reporting raises legitimate concerns about abuse, the entire Medicare Program relies on practitioners and providers to submit claims only for those services they actually provide. Anesthesiologists and nurse anesthetists are no different in this respect.

Moreover, a 1991 General Accounting Office [GAO] study identified no cases of fraudulent billing for anesthesia time during the period that was examined. Indeed, GAO suggests that errors in billing for actual time may have resulted in almost as many underpayments as overpayments by Medicare.

In order to guard against potential abuse in the future, this bill would require GAO to monitor and report to Congress on any changes in billing patterns for anesthesia time in the years ahead. If practitioners pad their reported times in order to offset anticipated payment reductions under the new Medicare physician fee schedule—as HCFA apparently fears they will—I stand ready to work with the agency to eliminate such abuse.

In the absence of documented problems, however, HCFA's proposed change is premature—a solution to a problem that may never arise, and one that may create as many problems as it solves. This bill would defer the solution until there is evidence a problem exists.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BASING MEDICARE PAYMENTS FOR ANESTHESIA SERVICES ON ACTUAL TIME.

(a) PHYSICIANS' SERVICES.—Section 1848 (b)(2)(B) of the Social Security Act (42 U.S.C. 1395w-4(b)(2)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for anesthesia services furnished on or after January 1, 1992, and before January 1, 1997, the Secretary may not modify the methodology in effect as of January 1, 1992, for determining the amount of time that may be billed for such services under this section.".

(b) SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—Section 1833(*l*)(1)(B) of the Social Security Act (42 U.S.C.) 13951(*l*)(1)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for anesthesia services furnished on or after January 1, 1992, and before January 1, 1997, the Secretary may not modify the methodology in effect as of January 1, 1992, for determining the amount of time that may be billed for such services under this subsection.".

(c) STUDY ON TIME REPORTED FOR ANESTHESIA SERVICES.—

(1) CONTENTS OF STUDY.—The Comptroller General shall—

(A) study the actual time reported for anesthesia services furnished under title XVIII of the Social Security Act for high-volume surgical procedures,

(B) compare the actual time reported for a procedure during 1991 with the time reported for the same procedure during each of the 4 succeeding years,

(C) evaluate the extent to which the actual time reported for a procedure has increased or decreased during such period, and

(D) determine (to the extent practicable)—

(i) whether any increases or decreases identified under subparagraph (C) are the result of changes in patterns of medical practice, physician responses to reductions in payments for anesthesia services, or other factors, and

(ii) the effect of such increases or decreases on the total amount expended under title XVIII of the Social Security Act for anesthesia services.

(2) DESIGN OF STUDY.—The Comptroller General shall consult with the Physician Payment Review Commission (hereafter referred to as the "Commission") in designing the study required under paragraph (1).

(3) REPORTS.—

(A) INTERIM REPORT.—The Comptroller General shall transmit an interim report on the progress of the study to the Commission, the Committee on Finance of the Senate and

the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives not later than July 1, 1994.

(B) FINAL REPORT.—The Comptroller General shall report the results of the study to the Commission and the committees referred to in subparagraph (A) not later than July 1, 1996.

(4) EVALUATION OF REPORTS BY THE COMMISSION.—The Commission shall evaluate each report required under paragraph (3) and transmit comments on the report to the committees referred to in paragraph (3)(A) not later than 90 days after the report is received by the Commission.

Mr. PACKWOOD. Mr. President, the bill we are introducing today is very important to assure the stability of the Medicare Program. Payment reforms for physician services enacted during the 1980's have negatively impacted anesthesiologists. Making further changes in the payment methodology for anesthesia before the new Medicare fee schedule has been fully implemented may have serious affects on access to services by the Medicare population. The intent of the legislation we are introducing today is to prohibit any further changes in anesthesia payments during the 5 year transition to the new Medicare fee schedule.

An important part of this legislation is mandating that the Comptroller General conduct a study to determine if there have been any changes in billing for anesthesia time over the transition period. This study will provide us with the information we need to determine whether a change in the methodology for paying for anesthesia is warranted.

The resource based relative value scale [RBRVS] payment reforms mark the most comprehensive change to the Medicare law relating to physician payment undertaken since the Medicare law was enacted. Implementation of the new payment system involves numerous complex and difficult issues. Refinements will be necessary throughout the 5-year transition period. In light of this, I am concerned that we do not further complicate the situation with changes that could have a negative impact on access to medical services.

Mr. DOLE. Mr. President, in 1989, Congress passed and President Bush signed landmark legislation, to be implemented during a 5-year period, beginning January 1 of this year. That legislation changed, or was intended to change, how physicians would be reimbursed for treating Medicare beneficiaries. Eventually, the effects of this legislation will affect virtually every reimbursed procedure performed by a physician. This law represents the most significant change in physician payment since Medicare was originally enacted in 1965.

However, try as we may, the law was not perfect. We are, however, learning as we go, and making changes as necessary. But, one area where there appears to be no problem with the existing regulations is in the area of the reimbursement for anesthesia services.

Today, I join with Senators PACKWOOD, BENTSEN, and others in introducing a bill that would preserve the existing system and the use of actual time. I would also prohibit any further changes in payments to anesthesiologists during the 5-year transition period to full implementation of the fee schedule.

Included specifically in our bill is a mandated study by the Comptroller General to determine the extent of changes in billing, if any, for anesthesia time during this 5-year transition period. The results of the study will enable us to determine if, indeed, a change in the reimbursement method for anesthesiologists is beneficial and warranted in the future.

The changes in the payments to physicians will take place within the context of a system of many movable parts. In light of this fact, I believe that it is best right now that we not further complicate the process by fixing something before we even know if it's broken.

By Mrs. KASSEBAUM:

S. 2644. A bill to require the Secretary of Transportation to require passenger and freight trains to install and use certain lights for the purposes of safety; to the Committee on Commerce, Science, and Transportation.

LEGISLATION TO REQUIRE TRAIN DITCH LIGHTS

Mrs. KASSEBAUM. Mr. President, on the evening of February 14, three Kansas teenagers were tragically killed when the car they were driving was broadsided by a freight train. Witnesses to the accident say the car's brake lights did not even flash prior to the accident. Apparently, despite the fact that its whistle was sounding and it headlight was illuminated, the teenagers had no idea of the train's presence.

Frankly, car/train accidents that occur because a motorist does not see or does not recognize an oncoming train are all too frequent. In 1991, in the State of Kansas, which is one of the best in terms of grade crossing safety, there were 102 car/train accidents. Twenty-two of these accidents occurred at night at grade crossings that were not protected by drop arms and flashing lights. I am convinced that the majority of these accidents happened because the motorist did not realize a train was approaching the crossing.

At the present time, Federal regulations require all trains in route to have one illuminated headlight, and to sound their whistle at grade crossings. While one headlight and a loud whistle may have enough to warn motorists of an approaching train at one point in our Nation's history, I do not believe these warning devices are sufficient today. The vast number of bright lights that are now so common in our night sky have diluted the effectiveness of a train's headlight. In addition, car stereos now can make train whistles inaudible.

In order to give motorists more warning of an approaching train, I am introducing legislation today that will require all trains to have their engines equipped with ditch lights. These are lights which illuminate the sides of the engine and the areas contiguous to the tracks. Such lights are already being used on an experimental basis by two of our Nation's railroad companies—the Union Pacific and Burlington Northern—and they appear to make it easier for motorists to recognize trains and judge their speed and distance.

Mr. President, requiring ditch lights on train engines is not prohibitively expensive and can save lives. It is my sincere hope that the Senate will move quickly to pass this legislation so that accidents, similar to the one that claimed the lives of three Kansas teenagers on Valentine's Day, can be prevented.

By Mr. LAUTENBERG (for himself and Mr. D'AMATO):

S. 2645. A bill to require the promulgation of regulations to improve aviation safety in adverse weather conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REGULATIONS TO IMPROVE WINTER WEATHER FLYING SAFETY

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation to improve the safety of airline passengers in winter weather conditions. Specifically, this legislation would require the Federal Aviation Administration to fulfill neglected responsibilities, and promulgate regulations to address shortcomings in the area of airplane deicing. I am pleased to be joined in introducing this bill by Senator D'AMATO.

The recent crash of USAir flight 405 at LaGuardia Airport on March 22, 1992 again focused attention on the potential dangers of winter flying. Although the exact cause of the crash is yet to be determined by the National Transportation Safety Board, the apparent role of ice on the wing of the aircraft has raised serious concerns about existing deicing procedures.

As chairman of the Transportation Appropriations Subcommittee, I have held two hearings to look into these concerns. The purpose was not to fix blame. My goal is to see that everything possible is done to prevent this type of tragedy from happening again. Our hearings showed clearly that not enough has been done.

On April 2, I held a hearing on the fiscal year 1993 budget request for the National Transportation Safety Board. As part of that hearing, the subcommittee heard about the progress of

the NTSB's investigation into this crash. In her testimony, acting NTSB Chairman Susan Coughlin said that the most troubling thing that they've learned so far is that, despite the fact that the crew of flight 405 appears to have done everything it was supposed to, the crash still happened.

Therefore, the focus of our attention should be on the shortcomings of the procedures approved and required by the FAA for winter flying.

On April 16, I chaired a hearing to look more closely into those procedures. It is absolutely clear that improvements need to be made.

Current procedures, under regulations issued in the 1950's, put the major and final burden for determining whether or not a plane can safely leave the ground with the pilot. Under existing situations, it's a burden that's unfairly placed. Certainly, the pilot has the responsibility for operating his or her aircraft safely, and that authority should not be restricted. But, we have to ensure that the pilot has the information needed to make the best judgment possible.

It's absurd to think that, on a snowy or rainy night, a pilot can look out the cockpit window at a dark wing and determine that it is free of any buildup of ice. But, that is just what happens today.

There is little or no coordination among the various parties involved. The airport operators are responsible for keeping the runways clear and free of ice or snow, but they have little or no role in keeping traffic moving on the ground. The FAA, through the air traffic control system, is responsible for moving that traffic from the gates to the taxiways and runways, and, of course, in the air. But, the FAA seems to have paid little or no attention to when planes are deiced, and doesn't work to get those planes off the ground as quickly as necessary.

Although we don't know everything that happened on the night of March 22, and what may have contributed to the crash, we do know these facts. First, that weather conditions were sufficiently bad to require deicing, and that this plane was deiced. Second, that the type of deicer used has a holdover, or effective, time of only 15 minutes under conditions existing on that night. Third, that the aircraft manufacturer had recommended that absolutely no more than that amount of time should be allowed to elapse between deicing and takeoff. Fourth, that the plane was held on the ground for more than twice the recommended time before being cleared for takeoff.

What this amounted to is a system that didn't work; whose parts were unconnected, and inattentive to each others' needs. Although the FAA is the one entity that can bring together the needs, interests, and responsibilities of pilots, airlines, airports, and the air traffic control system, it has failed to do so. Under this legislation, the FAA would no longer be able to avoid that responsibility.

If an airline uses a deicer with a very limited holdover time, it should only be allowed to do so if it knows that its planes will be able to takeoff within the prescribed time, while the deicer is working. That will require the cooperation of a number of parties, including the airline, the pilot, the airport operator, and the FAA's air traffic control system. It may require the use of centralized deicing facilities, located nearer the runways. It may require ground personnel to conduct physical inspections of wings, rather than just relying on a visual inspection from inside the cockpit.

The legislation I'm introducing today will require the FAA to initiate a rulemaking on these and other deicing issues. And, before the next winter season hits, we'll have the results of that rulemaking. An interim final rule would be issued by October 1, and a final rule no more than 60 days after that.

While we look back and mourn the tragic deaths of the 27 passengers and crew aboard USAir flight 405, we must also look ahead, to protect the thousands of people who may board planes under similar weather conditions in the years to come. When people sit down on a plane and buckle their seatbelts, they have a right to expect that everything possible has been done to assure their safe passage. My concern is that everything is not being done. By carrying out the mandates of this legislation, the FAA can take a major step forward in providing passengers with the safety and peace of mind that they deserve.

I ask unanimous consent that the text of this legislation be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2645

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAFETY RULEMAKING.

(a) NOTICE OF PROPOSED RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") shall issue a notice of proposed rulemaking to require improved measures to enhance the safety of aircraft operations in adverse winter weather conditions. Such notice of proposed rulemaking shall address, but not be limited to—

(1) the need to require uniform procedures and standards for deicing aircraft prior to takeoff, including the use of particular deicing agents;

(2) limitations on elapsed time allowed between deicing and takeoff, and improvements in coordination between air traffic control procedures and air carrier operations to minimize such elapsed time, and ensure that aircraft are not cleared for takeoff if the holdover time of their deicing procedure has been exceeded;

(3) requirements for deicing facilities, and the use thereof, in close proximity to the point of takeoff at United States airports;

(4) modifications to Federal Aviation Administration procedures for certifying aircraft for operation in the United States, to require notification to operators of such aircraft of applicable safety recommendations made by the manufacturers of such aircraft;

(5) the implementation of relevant recommendations issued by the National Transportation Safety Board; and

(6) modifications to procedures for determining when aircraft require deicing and whether such aircraft can safely operate under conditions which compel the use of deicing agents.

(b) INTERIM REGULATIONS.—Not later than October 1, 1992, the Administrator shall issue interim final regulations regarding the items referred to in subsection (a).

(c) FINAL REGULATIONS.—Not later than 60 days after the issuance of interim final regulations, the Administrator shall issue final regulations regarding the items referred to in subsection (a).•

• Mr. D'AMATO. Mr. President, I rise to join my distinguished colleague, Senator LAUTENBERG, in introducing a bill to improve the safety of winter operations at our Nation's airports. We pledged to introduce this bill at a field hearing of the Appropriations Subcommittee on Transportation and Related Agencies, which was held in New York City on April 16. This hearing focused on the tragic crash of USAir flight 405, at LaGuardia Airport on March 22, 1992.

USAir flight 405 crashed while attempting to take off in a snowstorm. The aircraft had been deiced twice; however, clearance to take off was not given until over 30 minutes from the last deicing; 27 of the 51 people aboard flight 405 were killed.

Many questions have arisen as to the role ice and snow played in this tragedy. Formal findings from the National Transportation Safety Board [NTSB] will require months of investigation.

There have been eight major takeoff accidents/incidents involving commercial aircraft over the past 15 years whose causes are traced to ice buildup while on the ground. According to NTSB, ice has been a factor in 24 crashes and 138 fatalities over the past 10 years—these data include general aviation. By next winter, I believe concrete measures can and must be taken by FAA to ensure safer air travel.

There are some weather-related problems from which aircraft cannot be protected—deicing is not one of them. Aircraft deicing issues have little to do with "Nature" with a capital "N," and more to do with "human nature"—which is subject to pressures to meet airline schedules, to reduce aircraft flow congestion, to keep airport operations moving, and to keep costs down.

Under Federal aviation regulations, pilots make the final decision whether

or not to take off. These rules, which became effective in 1950, also require pilots to assure that frost, ice, or snow are not adhering to the wings, control surfaces, or propellers of the aircraft. After the 1982 Air Florida crash, FAA called for pilots to follow this clean aircraft approach.

Pilots sometimes cannot be sure that an aircraft is clean of snow/ice due to factors such as: nighttime operations; poor light/visibility conditions; lack of overwing windows on some cargo flights; and inability to make close inspection (sandpaper thin layers of ice could reduce lift). It is not within pilots' capabilities to meet FAA's standards at all times. Pilots often make judgments that snow/ice will blow off during takeoffs without having the facts needed to make those calls.

It is more than 10 years since Air Florida crashed—killing 78 people—about a mile from the White House. Its wings and engine intakes were loaded with ice, and it had waited 49 minutes after deicing to take off. In 1982, FAA issued an advisory circular on "clean aircraft procedures," followed in 1987 by an operations bulletin. These measures have not been sufficient.

Strict guidelines on deicing procedures, fluids, maximum holdover times, locations of deicing equipment, training of employees, et cetera, have been bottled up in industry task forces since 1988. Safety has taken a back seat while industry groups have debated these guidelines, and FAA has done nothing to accelerate the process: No sanctions, no deadlines, no leadership.

FAA has neglected to take steps within its power. It is time for action. FAA must enact strict, objective deicing standards that interweave air traffic control, pilots, airports, and airlines. It can be done. Indeed, FAA has now promised that it will take the steps needed. Congress must ensure that FAA accomplishes this task.

It is time to take the guesswork out of aircraft winter operations. I urge my colleagues to support this bill.●

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. COCHRAN, and Mr. HEFLIN):

S. 2646. A bill to amend the Rural Electrification Act of 1936 to provide eligible rural electric borrowers with the means to secure necessary financing from private sources; to the Committee on Agriculture, Nutrition, and Forestry.

ELECTRIC FINANCING AMENDMENTS ACT

● Mr. LUGAR. Mr. President, I am pleased to join with Senators LEAHY, HEFLIN, and COCHRAN in sponsoring this legislation, the Rural Electric Financing Amendments Act of 1992.

This legislation is designed to make needed reforms to the rural electric financing programs of the Rural Electrification Administration [REA]. All of these changes are necessary to modernize and strengthen the REA program, and to encourage and facilitate the obtaining of private capital by rural electric cooperatives. Importantly, this legislation will offer distribution borrowers who are not in default on the repayment of their loans the opportunity to prepay their loans and seek financing from other commercial sources.

This legislation will reinstate a general funds policy that will place limitations on the amount of capital that a rural electric cooperative can have and still obtain an REA insured loan. REA had such a policy until the mid-1980's. The proposed legislation states that a rural electric cooperative will be unable to obtain an REA loan if it has general funds that exceed 8 percent of its total utility plant plus its highest wholesale power bill during the most recent 12-month period. I believe that this is a reasonable restriction. It strikes a reasonable balance: cooperatives will be able to retain sufficient capital to meet their cash needs, and those cooperatives that choose to retain more than this amount will be required to first use these excess reserves before applying for an REA loan. This policy will help to reduce the current backlog of REA loan applications, and thereby reduce the amount of time—currently more than one full year—that a borrower will have to wait between the time of applying for and receiving an REA loan.

This legislation also will require REA to provide lien accommodations for private loans. Today there are rural electric cooperatives that would like to obtain private loans to construct electric lines or to make needed improvements in their electric facilities. These cooperatives are willing to pay the higher cost of a private loan, but have often been unable to get the loan. The problem is that the private lender must have some security for the loan. Such security most often is the same property securing the REA loan. Without such security the private lender is unwilling or unable to make the loan.

The proposed provision will provide the private lender with a lien on the borrower's property on an equal and pro rata basis with REA's lien. REA will grant such a lien, unless it determines that the borrower will be unable to repay its Government loans and guarantees. The REA should be willing, in the absence of adverse financial considerations, to accommodate its lien on an equal and pro rata basis in order to facilitate the obtaining of private capital by rural electric cooperatives.

There are some who will argue that REA has the authority under current law to grant lien accommodations and that because this can be done administratively no legislation is required. While administratively it may be true that REA is empowered to grant such lien accommodations, the facts show that the red tape and long delays have made this private capital option not a viable one. Legislation to mandate these lien accommodations is fully consistent with the administration's long-standing policy of encouraging private capital where it is reasonable and affordable.

Last, this legislation will permit rural electric systems to prepay their insured electric loans. These prepayments will be discounted to account for the fact that REA loans are at a 5-percent interest rate and are therefore not worth their face value. The Administrator of REA will determine the discount rate, but the rate cannot be less than the Government's cost of money. The legislation recognizes that if the discount rate is above the cost of money to the Government, the Government would incur a loss, and an appropriation would be required before such a discount could occur. A borrower that receives a discount that results in a loss to the Government would be ineligible to obtain future REA insured loans.

I am pleased that this provision is included in the legislation being introduced today. It will enable those borrowers who choose to prepay their REA loans to escape from the many requirements and restrictions imposed by REA.

Before I conclude this introductory statement, I would like to commend the rural electric cooperatives for the time and effort they have devoted to developing the ideas included in this bill. This is a very progressive, responsible and practical measure. I believe that the proposed legislation will help to strengthen REA because it will give rural electric cooperatives more flexibility in meeting their financing needs and in serving their customers. Rural America is diverse and complex and Government programs must reflect and accommodate this.

This is important legislation. It already enjoys the endorsement of the National Rural Electric Cooperative Association. I believe that its provisions are fully consistent with long-standing administration policy and that it will be favorably viewed by the administration. While some minor modifications to the statutory language may be necessary to acquire the complete support of all interested parties, I have no doubt that the President will sign this measure when it reaches his desk. I am committed to working hard to ensure that this bill is enacted before the end of this year, and I urge my colleagues to join me in this effort.●

By Mr. CRANSTON (for himself, Mr. DECONCINI, and Mr. AKAKA):

S. 2647. A bill to amend title 38, United States Code, and title 10, United States Code, to revise and improve educational assistance programs for veter-

ans and members of the Armed Forces, to improve certain vocational assistance programs for veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' READJUSTMENT BENEFITS IMPROVEMENT ACT OF 1992

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced S. 2647, the proposed Veterans' Readjustment Benefits Improvement Act of 1992. This bill would revise and improve educational assistance programs for veterans and members of the Armed Forces, improve certain pension and vocational assistance programs for veterans, and expand the job counseling, training, and placement service for veterans. I am pleased to be joined in introducing this bill by committee members DECONCINI and AKAKA.

Mr. President, while our bill would bring many substantive improvements to veteran benefits, I wish to note particularly two cost-of-living provisions which are very much needed but for which there is as yet no established funding offset to meet the pay-as-you-go requirements of the Budget Enforcement Act. Our bill would, first, provide an increase in the educational assistance allowance under the Montgomery GI bill [MGIB] and, second, provide an increase in the subsistence allowance for service-disabled veterans participating in a program of vocational rehabilitation. Both increases are clearly needed in order to counter the effects of inflation on the value of the benefits.

Mr. President, because of the importance of educational assistance benefits in helping former service members in their transition to civilian life, and because of the fundamental obligation we have to assist disabled veterans in their pursuit of vocational rehabilitation, I am introducing these cost-of-living provisions in the bill that will be considered at a hearing of the Veterans' Affairs Committee on May 13. I believe it is important that we receive testimony on these provisions while we continue our efforts to develop the means of bringing them into budgetary compliance.

SUMMARY OF MAJOR PROVISIONS

Mr. President, our bill contains substantive provisions that would:

First, increase the MGIB basic monthly benefit for active-duty service members from $350 to $450 and the basic monthly benefit for reservists from $170 to $200—with proportional increases for part-time study in both cases.

Second, permit reservists to pursue graduate training under the MGIB.

Third, permit reservists to receive tutorial assistance under the MGIB.

Fourth, provide that individuals who are discharged after less than 12 months of active duty and later reenlist or later reenter on active duty are eligible to participate in the MGIB. Any reductions in basic pay during a prior period of service would be counted toward the $1,200 pay reduction required for MGIB eligibility.

Fifth, permit active duty participations in the MGIB to receive benefits at the same rate as veterans when training on a half-time or more basis.

Sixth, provide that an individual who initially serves a continuous period of at least 3 years of active-duty service, even though he or she was initially obligated to serve less than 3 years of active duty, is eligible for the same level of MGIB benefits as an individual whose initial obligated period of active-duty service was for 3 years or more.

Seventh, eliminate the requirement for the Department of Veterans Affairs to pay work-study participants their work-study allowance in advance of the performance of services.

Eighth, modify the accredited-school-approval requirements by (a) repealing the requirement that elementary and secondary schools furnish a copy of a catalog in applying for approval of an accredited course by a State approving agency [SSA], and (b) adding a requirement that schools that have and enforce standards of attendance must submit these standards to the SAA for approval.

Ninth, bar veterans' educational assistance for a course paid for under the Government Employees Training Act.

Tenth, provide that the effective date of termination of an educational assistance allowance by reason of the death of the payee of an advance payment would be the last date of the period for which the advance payment was made.

Eleventh, allow a student who successfully completed a program of education with VA benefits to pursue another program of education and allow a change in the type of training pursued if there is no change in the vocational objective.

Twelfth, amend course measurement requirements to (a) eliminate the benefit differential for independent study and other nontraditional types of training in accredited undergraduate degree programs that have been approved by SAA's; (b) prohibit the use of benefits for nonaccredited independent study; (c) eliminate the standard class-session requirement; (d) base benefit payments for concurrent pursuit of graduate and undergraduate training on the training time certified by the school, rather than the current conversion computations; (e) replace a complex statutory measurement criterion for the payment of benefits for study at institutions of higher learning with a benefit based on the school's measurement system; and (f) eliminate the benefit differential for accredited and nonaccredited non-college-degree courses.

Thirteenth, permit refresher training for the service-disabled veterans' survivors and dependents who are eligible for educational assistance under chapter 35 of title 38, United States Code.

Fourteenth, permit participation in the MGIB for an individual who after September 30, 1992, receives a commission as an officer in the Armed Forces upon graduation from a military academy or upon completion of a senior ROTC program.

Fifteenth, make permanent the programs of 12-month trial work periods and vocational rehabilitation outreach for veterans who have total disability ratings based on individual unemployability.

Sixteenth, make permanent and totally voluntary the program of vocational evaluation and training for pension recipients and the 3-year protection of VA health-care eligibility for veterans who lose their pension due to employment income.

Seventeenth, increase by 10 percent the subsistence allowance for veterans with service-related disabilities who participate in a training and vocational rehabilitation program under chapter 31 of title 38.

Eighteenth, restore vocational rehabilitation for veterans rated 10-percent disabled who the Secretary of Veterans Affairs determines have serious employment handicaps resulting from their service-connected disability.

Nineteenth, provide that, where a new application for pension or for parents' dependency and indemnity compensation is filed within 1 year after renouncement of that benefit, the application shall not be treated as an original application and benefits will be payable as if the renouncement had not occurred.

Twentieth, expand the formula for the appointment of disabled veterans' outreach program specialists to include Vietnam-era veterans, veterans who first entered on active duty after the end of the Vietnam era, May 7, 1975, and disabled veterans.

CONCLUSION

Mr. President, I urge my colleagues to support this legislation to improve veterans' readjustment benefits.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.•

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Veterans' Readjustment Benefits Improvement Act of 1992".

TITLE I—EDUCATIONAL ASSISTANCE PROGRAMS

SEC. 101. INCREASE IN AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.

(a) ALL VOLUNTEER FORCE.—(1) Subsection (a) of section 3015 of title 38, United States Code, is amended—

(A) in the matter above paragraph (1), by striking out "(e), and (f)" and inserting in lieu thereof "(e)"; and

(B) in paragraph (1), by striking out "$300" and inserting in lieu thereof "$450".

(2) Subsection (b) of such section is amended—

(A) in the matter above paragraph (1), by striking out "(e), and (f)" and inserting in lieu thereof "(e)"; and

(B) in paragraph (1), by striking out "$250" and inserting in lieu thereof "$375".

(3) Subsection (c) of such section is amended by striking out "$400" and "$700" and inserting in lieu thereof "$550" and "$850", respectively.

(4) Subsection (f) of such section is repealed.

(b) SELECTED RESERVE.—Subsection (b) of section 2131 of title 10, United States Code, is amended—

(1) by striking out "(b)(1) Except as provided in paragraph (2) and" and inserting in lieu thereof "(b) Except as provided in";

(2) by striking out paragraph (2);

(3) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(4) in paragraph (1), as redesignated by paragraph (3) of this subsection, by striking out "$140" and inserting in lieu thereof "$200";

(5) in paragraph (2), as redesignated by paragraph (3) of this subsection, by striking out "$105" and inserting in lieu thereof "$150"; and

(6) in paragraph (3), as redesignated by paragraph (3) of this subsection, by striking out "$70" and inserting in lieu thereof "$100".

(c) CONFORMING AMENDMENTS.—(1) Subsection (f)(2) of such section is amended by striking out "(b)(1)(A)" and inserting in lieu thereof "(b)(1)".

(2) Subsection (g)(3) of such section is amended by striking out "(b)(1)(A)" and inserting in lieu thereof "(b)(1)".

(d) EFFECTIVE DATES.—The amendments made by subsections (a), (b), and (c) shall take effect on September 31, 1992, and shall apply to amounts of educational assistance paid for education or training pursued on or after that date.

SEC. 102. AUTHORITY OF MEMBERS OF SELECTED RESERVE TO PURSUE GRADUATE COURSES OF EDUCATION.

Section 2131(c)(1) of title 10, United States Code, is amended by striking out "other than a program" and all that follows through the end of the sentence and inserting in lieu thereof a period.

SEC. 103. AUTHORITY OF MEMBERS OF SELECTED RESERVE TO RECEIVE TUTORIAL ASSISTANCE.

Section 2131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h)(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this chapter who—

"(i) is enrolled in and pursuing a post-secondary course of education on a half-time or more basis at an educational institution; and

"(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

"(B) The Secretary of Veterans Affairs shall not approve tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

"(2) The Secretary concerned, through the Secretary of Veterans Affairs, shall pay to a person receiving tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed $100 per month, for a maximum of twelve months, or until a maximum of $1,200 is utilized. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this chapter.

"(3)(A) A person's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of $600.

"(B) A person's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of $600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter.".

SEC. 104. TREATMENT OF CERTAIN ACTIVE DUTY SERVICE TOWARD ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.

(a) TREATMENT OF SERVICE.—Subsection (d) of section 3011 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), and (4)"; and

(2) by adding at the end the following new paragraph:

"(4) The period of service referred to in paragraph (1) of this subsection, in the case of a member referred to in subclause (I) or (III) of subsection (a)(1)(A)(ii) of this section who reenlists or re-enters on active duty, also includes any period, not exceeding 12 months of continuous active duty, from which the member was discharged as described in such subclause (I) or (III).".

(b) ADJUSTMENT IN REDUCTION OF BASIC PAY.—Subsection (b) of such section is amended—

(1) by striking out "(b) The" and inserting in lieu thereof "(b)(1) The"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The number of months of basic pay of a member referred to in subparagraph (B) of this paragraph that shall be reduced under paragraph (1) of this subsection shall be 12 minus the number of months that the member's basic pay was reduced during the member's preceding period or periods of active duty.

"(B) Subparagraph (A) of this paragraph applies to a member of the Armed Forces—

"(i) whose basic pay was reduced under paragraph (1) of this subsection for any period of active duty service referred to in paragraph (4) of subsection (d) that the member served prior to the member's reenlistment or reentry on active duty; and

"(ii) who does not make an election under subsection (c)(1) of this section upon such reenlistment or reentry.".

SEC. 105. EDUCATIONAL ASSISTANCE FOR ACTIVE DUTY MEMBERS PURSUING PROGRAM OF EDUCATION ON MORE THAN HALF-TIME BASIS.

Subsection (a) of section 3032 of title 38, United States Code, is amended to read as follows:

"(a) The amount of the monthly educational assistance allowance payable to an individual entitled to educational assistance under this chapter who pursues a program of education on less than half-time basis is the amount determined under subsection (b) of this section.".

SEC. 106. EDUCATIONAL ASSISTANCE FOR CERTAIN PERSONS WHOSE INITIAL PERIOD OF OBLIGATED SERVICE WAS LESS THAN THREE YEARS.

Section 3015 of title 38, United States Code (as amended by section 101), is amended—

(1) in subsection (a), by inserting ", and (f)" after "(e)";

(2) in subsection (b), by inserting ", and (f)" after "(e)";

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(4) in subsection (d) (as redesignated by paragraph (3)), by striking out "(a) and (b)" and inserting in lieu thereof "(a), (b), and (c)"; and

(5) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The amount of basic educational allowance payable under this chapter to an individual referred to in paragraph (2) of this subsection is the amount determined under subsection (a) of this section.

"(2) Paragraph (1) of this subsection applies to an individual entitled to an educational assistance allowance under section 3011 of this title—

"(A) whose initial obligated period of active duty is less than three years;

"(B) who, beginning on the date of the commencement of the person's initial obligated period of such duty, serves a continuous period of active duty of not less than three years; and

"(C) who, after the completion of such period of active duty, meets one of the conditions set forth in subsection (a)(3) of such section 3011.".

SEC. 107. REPEAL OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

Section 3485(a) of title 38, United States Code, is amended by striking out the third sentence.

SEC. 108. REVISION OF REQUIREMENTS RELATING TO APPROVAL OF ACCREDITED COURSES.

(a) REVISION OF REQUIREMENTS.—Subsection (a) of section 3675 of title 38, United States Code, is amended—

(1) by striking out "(a)" and inserting in lieu thereof "(a)(1)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by striking out the matter below subparagraph (C) (as so redesignated) and inserting in lieu thereof the following new paragraphs:

"(2)(A) For the purposes of this chapter, the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which that Secretary determines to be reliable authority as to the quality of training offered by an educational institution.

"(B) A State approving agency may, upon concurrence, utilize the accreditation of any accrediting association or agency listed pursuant to subparagraph (A) of this paragraph for approval of courses specifically accredited and approved by such accrediting association or agency.

"(3)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the

State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

"(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

"(i) state with specificity the requirements of the institution with respect to graduation;

"(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

"(iii) include any attendance standards of the institution, if the institution has and enforces such standards.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(1)(B) of such section (as redesignated by subsection (a)(2)) is amended by striking out "sections 11–28 of title 20;" and inserting in lieu thereof "the Act of February 23, 1917 (20 U.S.C. 11 et seq.);".

SEC. 109. BAR OF ASSISTANCE FOR PERSONS WHOSE EDUCATION IS PAID FOR AS FEDERAL EMPLOYEE TRAINING.

Section 3681(a) of title 38, United States Code, is amended by striking out "and whose full salary" and all that follows through the period and inserting in lieu thereof a period.

SEC. 110. TREATMENT OF ADVANCE PAYMENTS OF CERTAIN ASSISTANCE TO VETERANS WHO DIE.

(a) TREATMENT.—Section 3680(e) of title 38, United States Code, is amended—

(1) by striking out "(e) If" and inserting in lieu thereof "(e)(1) Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person.".

(b) TECHNICAL AMENDMENT.—Section 3680(e) of such title (as amended by subsection (a)) is further amended by striking out "eligible person," and inserting in lieu thereof "eligible person".

SEC. 111. CLARIFICATION OF PERMITTED CHANGES IN PROGRAMS OF EDUCATION.

Subsection (d) of section 3691 of title 38, United States Code, is amended to read as follows:

"(d) For the purposes of this section, the term 'change of program of education' shall not be deemed to include a change by a veteran or eligible person from the pursuit of one program to the pursuit of another if—

"(1) the veteran or eligible person has successfully completed the first program;

"(2) the second program leads to a vocational, educational, or professional objective in the same general field as the first program; or

"(3) the first program is a prerequisite to, or generally required for, pursuit of the second program.".

SEC. 112. DISAPPROVAL OF NONACCREDITED INDEPENDENT STUDY.

(a) PROHIBITION OF APPROVAL OF NONACCREDITED COURSES.—Section 3676 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of this title, a course of education which has not been approved by a State approving agency pursuant to section 3675 of this title may not be approved under this section if it is to be pursued, in whole or in part, by independent study.".

(b) REQUIREMENT OF DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—

(1) IN GENERAL.—Section 3473 of title 38, United States Code, is—

(A) transferred to chapter 36 and inserted after section 3679; and

(B) redesignated as section 3679A.

(2) APPLICATION.—Such section 3679A is amended—

(A) in subsection (a)(4), by striking out "one" and inserting in lieu thereof "an accredited independent study program";

(B) in subsection (d)(1), by striking out "32, 35, or 36" in the third sentence and inserting in lieu thereof "32, or 35"; and

(C) by striking out paragraph (2) of subsection (d) and inserting in lieu thereof the following new paragraph (2):

"(2) Paragraph (1) of this subsection does not apply with respect to the enrollment of a veteran—

"(A) in a course offered pursuant to section 3019, 3034(a)(3), 3234, 3241(a)(2), or 3533 of this title;

"(B) in a farm cooperative training course; or

"(C) in a course described in section 3689(b)(6) of this title.".

(3) SURVIVORS' AND DEPENDENTS' ASSISTANCE.—Section 3523(a)(4) of such title is amended by striking out "one" and inserting in lieu thereof "an accredited independent study program".

(c) CONFORMING AMENDMENTS.—

(1) TITLE 38.—(A) Section 3034 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking out "3473,"; and

(ii) in subsection (d)(1), by striking out "3473(b)" and inserting in lieu thereof "3679A(b)".

(B) Section 3241 of such title is amended—

(i) in subsection (a)(1), by striking out "3473,";

(ii) in subsection (b)(1), by striking out "3473(b)" and inserting in lieu thereof "3679A(b)"; and

(iii) in subsection (c), by striking out "3473,".

(2) TITLE 10.—Section 2136 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out "1673," ; and

(B) in subsection (c)(1), by striking out "1673(b)" and inserting in lieu thereof "3679A(b)".

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out the item relating to section 3473.

(2) The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

"3679A. Disapproval of enrollment in certain courses.".

(e) SAVINGS PROVISION.—The amendments made by subsections (a) and (b) shall not apply to any person who is receiving educational assistance under chapter 30, 32, or 35 of title 38, United States Code, or chapter 106 of title 10, United States Code, on the date of the enactment of this Act for pursuit of an independent study program—

(1) in which the person is enrolled on that date;

(2) in which the person remains continuously enrolled thereafter (until completion of the program by the person); and

(3) for which the person continues to meet the eligibility requirements for such assistance that apply to the person on that date.

SEC. 113. REVISIONS IN MEASUREMENT OF COURSES.

(a) ELIMINATION OF STANDARD CLASS SESSION REQUIREMENT.—

(1) TRADE OR TECHNICAL COURSES.—Subsection (a)(1) of section 3688 of title 38, United States Code, is amended by striking out "thirty hours" and all that follows through "full time" and inserting in lieu thereof "22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours per week of rest periods allowed".

(2) COURSES LEADING TO STANDARD COLLEGE DEGREES.—Subsection (a)(2) of such section is amended by striking out "twenty-five hours" and all that follows through "full time" and inserting in lieu thereof "18 hours per week net of instruction (which shall exclude supervised study but may include customary intervals not to exceed 10 minutes between hours of instruction) is required".

(b) TREATMENT OF CERTAIN COURSES OFFERED BY INSTITUTIONS OF HIGHER LEARNING.—

(1) GRADUATE COURSES.—Subsection (a)(4) of such section is amended—

(A) by striking out "in residence"; and

(B) by inserting "(other than a course pursued as part of a program of education beyond the baccalaureate level)" after "semester-hour basis".

(2) COURSES NOT LEADING TO COLLEGE DEGREES.—Subsection (a)(7) of such section is amended to read as follows:

"(7) an institutional course not leading to a standard college degree offered by an institution of higher learning on a standard quarter- or semester-hour basis shall be measured as full time on the same basis as provided for in clause (4) of this subsection, except that such a course may not be measured as full time if the course requires less than the minimum weekly hours of attendance required for full-time measurement under clause (1) or (2) of this subsection, as the case may be.".

(c) MEASUREMENT OF REFRESHER COURSES.—Subsection (a)(6) of such section is amended by striking out "an institutional course" and all that follows through "of this title" and inserting in lieu thereof "an institutional course offered by an educational institution under section 3034(a)(3), 3241(a)(2), or 3533(a) of this title as part of a program of education not leading to a standard college degree".

(d) MEASUREMENT OF PART-TIME TRAINING.—Subsection (b) of such section is amended by striking out "34 or 35" and inserting in lieu thereof "30, 32, or 35".

(e) CONFORMING AMENDMENTS.—(1) Section 3688 of title 38, United States Code (as amended by subsections (a) through (d)), is further amended—

(A) in subsection (a), by striking out the flush material that follows paragraph (7); and

(B) by striking out subsections (c), (d), and (e).

(2) Section 3532(c) of such title is amended by striking out paragraphs (3) and (4).

SEC. 114. REFRESHER TRAINING FOR SURVIVORS AND DEPENDENTS.

Section 3532 of title 38, United States Code, is amended by adding at the end the following new subsection (f):

"(f)(1) Notwithstanding the prohibition in section 3521(2) of this title (relating to the enrollment of an eligible person in a program of education in which such person is 'already qualified'), an eligible person shall be allowed up to six months of educational assistance (or the equivalent thereof in part-

time assistance) for the pursuit of refresher training to permit the person to update the person's knowledge and skills.

"(2) An eligible person pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate prescribed in subsection (a) or (c) of this section, whichever is applicable.

"(3) The educational assistance allowance paid to an eligible person under the authority of this subsection shall be charged against the period of entitlement of the person under section 3511 of this title.".

SEC. 115. ELIGIBILITY OF CERTAIN OFFICERS FOR EDUCATIONAL ASSISTANCE.

(a) ACTIVE DUTY.—Section 3011(c)(2) of title 38, United States Code, is amended by inserting "but before October 1, 1992," after December 31, 1976,".

(b) SELECTED RESERVE.—Section 3012(d)(2) of such title is amended by inserting "but before October 1, 1992," after December 31, 1976,".

SEC. 116. TECHNICAL AMENDMENTS.

(a) TITLE 10.—Chapter 106 of title 10, United States Code, is amended—

(1) in section 2131(c)(2), by striking out "section 1795" and inserting in lieu thereof "section 3695";

(2) in section 2131(c)(3)(A)(ii), by striking out "section 1795" and inserting in lieu thereof "section 3695";

(3) in section 2131(c)(3)(C), by striking out "section 1795" and inserting in lieu thereof "section 3695";

(4) in section 2133(b)(2), by striking out "section 1431(f)" and inserting in lieu thereof "section 3031(f)";

(5) in section 2133(b)(3), by striking out "section 1431(d)" and inserting in lieu thereof "section 3031(d)"; and

(6) in section 2136(b) (as amended by section 112(c)(2))—

(A) by striking out "sections 1670," and all that follows through "and 1685" and inserting in lieu thereof "sections 3470, 3471, 3474, 3476, 3682(g), 3683, and 3685";

(B) by striking out "1780(c),"; and

(C) by striking out "1786(a), 1787, and 1792)" and inserting in lieu thereof "3686(a), 3687, and 3692)".

(b) TITLE 38.—Section 3679A of title 38, United States Code (as redesignated and amended by section 112(a)) is further amended in subsection (b) by striking out "The Secretary" and inserting in lieu thereof "Except as provided in this title or chapter 106 of title 10, the Secretary".

TITLE II—VOCATIONAL REHABILITATION AND PENSION PROGRAMS

SEC. 201. PERMANENT PROGRAMS OF VOCATIONAL REHABILITATION FOR CERTAIN VETERANS.

(a) PERMANENT PROGRAM.—(1) Subsection (a)(1) of section 1163 of title 38, United States Code, is amended by striking out "during the program period" and inserting in lieu thereof "after January 31, 1985,".

(2) Subsection (a)(2) of such section is amended to read as follows:

"(2) For the purposes of this section, the term 'qualified veteran' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.".

(b) COUNSELING SERVICES.—Subsection (b) of such section is amended by striking out "During the program period, the Secretary" and inserting in lieu thereof "The Secretary".

(c) NOTICE.—Subsection (c)(1) of such section is amended by striking out "during the program period" and all that follows through "(a)(2)(A)" and inserting in lieu thereof "after January 31, 1985, of a rating of total disability described in subsection (a)(2)".

(d) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings".

(2) The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by striking out the item relating to section 1163 and inserting in lieu thereof the following:

"1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings.".

SEC. 202. PERMANENT PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS.

(a) PERMANENT PROGRAM.—Subsection (a) of section 1524 of title 38, United States Code, is amended to read as follows:

"(a)(1) A veteran who has been awarded pension under this chapter may submit to the Secretary an application for vocational training under this section.

"(2) Subject to paragraph (4) of this subsection, upon the submittal of an application by a veteran under paragraph (1) of this subsection, the Secretary shall—

"(A) make a preliminary finding (on the basis of information contained in the application or otherwise in the possession of the Secretary) whether the veteran has good potential for achieving employment after pursuing a vocational training program under this section; and

"(B) if the Secretary makes a preliminary finding that the veteran has such potential, provide the veteran with an evaluation to determine whether the veteran's achievement of a vocational goal is reasonably feasible.

"(3) An evaluation of a veteran under subparagraph (B) of paragraph (2) shall include a personal interview of the veteran carried out by a Department employee who is trained in vocational counseling (as determined by the Secretary) unless the Secretary determines that such an evaluation is not feasible or is not necessary to make the determination referred to in that subparagraph.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b)(4) of such section is amended by striking out "the later of (A)" and all that follows through the period at the end of the first sentence and by inserting in lieu thereof "the end of a reasonable period of time (as determined by the Secretary) following the evaluation of the veteran under subsection (a)(2)(B) of this section".

(2)(A) The heading of such section is amended to read as follows:

"§ 1524. Vocational training for certain pension recipients".

(B) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended by striking out the item relating to section 1524 and inserting in lieu thereof the following:

"1524. Vocational training for certain pension recipients.".

SEC. 203. PROTECTION OF HEALTH-CARE ELIGIBILITY.

(a) PERMANENT PROTECTION.—Section 1525 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "during the program period" and inserting in lieu thereof "after January 31, 1985,"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) For the purposes of this section, the term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for renumeration or with gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 1525. Protection of health-care eligibility".

(2) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended by striking out the item relating to section 1525 and inserting in lieu thereof the following:

"1525. Protection of health-care eligibility.".

SEC. 204. INCREASE IN SUBSISTENCE ALLOWANCE FOR VETERANS RECEIVING VOCATIONAL OR REHABILITATIVE TRAINING.

Section 3108(b) of title 38, United States Code, is amended by striking out the table at the end and inserting in lieu thereof the following new table:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$366	$454	$535	$39
Three-quarter-time	275	341	400	30
Half-time	184	228	268	20
Farm cooperative, apprentice, or other on-job training:				
Full-time	320	387	446	29
Extended evaluation:				
Full-time	366	454	535	39
Independent living training:				
Full-time	366	454	535	39
Three-quarter-time	275	341	400	30
Half-time	184	228	268	20".

SEC. 205. VOCATIONAL REHABILITATION FOR CERTAIN DISABLED VETERANS WITH SERIOUS EMPLOYMENT HANDICAPS.

Section 3102 of title 38, United States Code, is amended to read as follows:

"A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if—

"(1) the person is—

"(A)(i) a veteran who has a service-connected disability which is, or but for the receipt of retired pay would be, compensable at a rate of 20 percent or more under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; or

"(ii) hospitalized or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that—

"(I) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment is doing so under contract or

agreement with the Secretary concerned, or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned; and

"(II) the person is suffering from a disability which will likely be compensable at a rate of 20 percent or more under chapter 11 of this title; and

"(B) determined by the Secretary to be in need of rehabilitation because of an employment handicap; or

"(2) the person is a veteran who—

"(A) has a service-connected disability which is, or but for the receipt of retired pay would be, compensable at a rate of 10 percent under chapter 11 of this title and which was incurred or aggravated in service on or after September 16, 1940; and

"(B) has a serious employment handicap.".

SEC. 206. TREATMENT OF CERTAIN APPLICATIONS FOR PENSION AND DISABILITY AND INDEMNITY COMPENSATION.

Section 5306(b) of title 38, United States Code, is amended to read as follows:

"(b)(1) Renouncement of rights shall not preclude any person from filing a new application for pension, compensation, or dependency and indemnity compensation at a later date.

"(2) Except as provided in paragraph (3), a new application for pension, compensation, or dependency and indemnity compensation under this subsection shall be treated as an original application, and no payments shall be made for any period before the date such application is filed.

"(3) An application for dependency and indemnity compensation to parents payable under section 1315 of this title or for pension payable under chapter 15 of this title that is filed during the one-year period beginning on the date that a renouncement thereto was filed by the person pursuant to subsection (a) shall not be considered an original application, and payment of such benefits shall be made as if the renouncement had not occurred.".

SEC. 207. STYLISTIC AMENDMENT.

(a) IN GENERAL.—Section 5110(h) of title 38, United States Code, is amended by striking out "calendar".

(b) RULE OF CONSTRUCTION.—The purpose of subsection (a) is to make a nonsubstantive stylistic amendment that conforms the terminology used in section 5110(h) of title 38, United States Code, to that used in such title.

TITLE III—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICES FOR VETERANS

SEC. 301. IMPROVEMENT OF DISABLED VETERANS' OUTREACH PROGRAM.

Section 4103A(a)(1) of title 38, United States Code, is amended in the first sentence by striking out "specialist for each 5,300 veterans" and all that follows through the end of the sentence and inserting in lieu thereof "specialist for each 6,900 veterans residing in such State who either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans.".

SEC. 302. REPEAL OF DELIMITING DATE RELATING TO TREATMENT OF VETERANS OF THE VIETNAM ERA FOR EMPLOYMENT AND TRAINING PURPOSES.

Section 4211(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking out "(A) Subject to subparagraph (B) of this paragraph, the term" and inserting in lieu thereof "The term"; and

(2) by striking out subparagraph (B).

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. THURMOND, Mr. GRAHAM, Mr. DIXON, Mr. HOLLINGS, Mr. KOHL, Mr. JOHNSTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. JEFFORDS, Mr. SHELBY, Mr. SANFORD, Mr. RIEGLE, Mr. WARNER, Mr. GRASSLEY, and Mr. COATS):

S.J. Res. 295. Joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

NATIONAL D.A.R.E. DAY

• Mr. DECONCINI. Mr. President, for the 5th year in a row I am pleased to introduce, along with Senators D'AMATO, THURMOND, GRAHAM, DIXON, HOLLINGS, KOHL, JOHNSTON, CHAFEE, MIKULSKI, JEFFORDS, SHELBY, SANFORD, RIEGLE, WARNER, GRASSLEY, and COATS, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day." D.A.R.E., an acronym for drug abuse resistance education, is an educational program designed to teach students the skills necessary to resist pressure to experiment with drugs and alcohol. This joint resolution acknowledges the accomplishments of this effective drug education program.

D.A.R.E. was originally developed as a cooperative effort between the Los Angeles Police Department and the Los Angeles Unified School District. Initially, the program began with 10 Los Angeles police officers teaching at 50 local elementary schools. Today the program is taught by more than 12,000 officers in over 200,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Puerto Rico, Costa Rica, Mexico, and Department of Defense Dependent Schools worldwide.

Originally taught to 5th- and 6th-grade children, D.A.R.E. has been expanded to include all grades K–12 as a result of its success. The program effectively targets children who are young enough not to have received maximum exposure to illegal drugs, yet are old enough to fully comprehend the dangers of drug use. In addition, the program provides parents with the skills necessary to reinforce the decision of their children to lead drug-free lives.

In my home State of Arizona, we now have 84 separate agencies that are involved in D.A.R.E. and nearly 240 trained officers. During this school year alone, these officers will reach over 40,000 students in 500 Arizona public schools. Still, we have a long way to go. According to evaluations obtained by the State D.A.R.E. office, only 38 percent of the 5th- and 6th-grade students in Arizona are receiving the D.A.R.E. Program.

When the University of Michigan's 17th annual national survey of high school seniors was recently released, the report showed a continuing decline in drug and alcohol use from 1990 to 1991. The rate of any illicit drug use within the past year declined from 33 percent to 29 percent—approximately half the 1980 rate. The Michigan survey, funded by the National Institute on Drug Abuse, reported that alcohol use was down from 57 percent in 1990 to 54 percent in 1991, a 25-percent drop since 1980. Cocaine use fell from 1.9 percent in 1990 to 1.4 percent in 1991, a drop of 73 percent since 1980.

I think we can reasonably conclude from these encouraging results that illegal drug use by our youth is slowly declining. However, to keep the momentum going in the right direction, an effective, long-term commitment to the education of our young people on the dangers of illegal drugs is essential. We must fight harder—implementing greater preventive measures and creating greater community awareness. President Bush has requested $12.7 billion in his fiscal year 1993 budget for antidrug programs. Although the President's budget increases this year's overall funding level by 6 percent, spending for drug-free schools State grants is frozen at last year's level. This is the primary Federal account for funding drug education in the Nation's classrooms. The President's budget request is simply inadequate. It falls far short of what is needed in this country to provide a drug education curriculum for every child, in every classroom, in every school in America. Programs like D.A.R.E. have proven effective and must be expanded.

Independent studies show that the D.A.R.E. Program has had a significant impact on the rates of drug and alcohol use among students who have studied D.A.R.E. versus those who have not. Moreover, educators are finding that the D.A.R.E. Program has contributed to improved study habits and grades, decreased vandalism and gang activity, and a better rapport between children and police officers.

Mr. President, the D.A.R.E. Program is a program that works. It is producing unprecedented results. Hopefully, we will acknowledge the merit of this program for the 15th straight year by designating September 10, 1992, as "National D.A.R.E. Day." I urge my colleagues to show their support by cosponsoring this resolution. I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 295

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to 20 million youths in grades K–12;

Whereas D.A.R.E. is taught in more than 200,000 classrooms reaching all 50 States, Australia, New Zealand, American Samoa, Puerto Rico, Costa Rica, Mexico and Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decision-making skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. Program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them unmatched credibility;

Whereas each police officer who teaches the D.A.R.E. Program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communications skills; and

Whereas D.A.R.E. according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United states of America in Congress assembled, That September 10, 1992 is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

By Mr. ADAMS (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mr. COHEN, Mr. CRANSTON, Mr. DECONCINI, Mr. DODD, Mr. GARN, Mr. GRASSLEY, Mr. JOHNSTON, and Mr. REID):

S.J. Res. 296. Joint resolution to designate the week of May 17, 1992, through May 23, 1992, as "National Senior Nutrition Week"; to the Committee on the Judiciary.

NATIONAL SENIOR NUTRITION WEEK

● Mr. ADAMS. Mr. President, I rise today to honor a group of dedicated individuals who perform an essential and life-sustaining service for older Americans. I am speaking of the thousands of volunteers and professionals who serve nutritious meals to our Nation's seniors in both congregate and home settings. Their daily commitment ensures the continued well-being and independence of many senior individuals, both through nutritional sustenance and social contact.

I proudly commend their dedication by introducing legislation that would designate the week of May 17, 1992, through May 23, 1992, as "National Senior Nutrition Week."

Nutrition services comprise a vital part of the Older Americans Act [OAA]. Meal programs have been included in the Act since they were first incorporated as a demonstration project in 1968. Due to the success of this program, nutrition services were fully authorized in the Act in 1972. Since then, the program has consistently been the best known and most widely supported part of the OAA.

In 1991, over 145 million meals were served in congregate settings to approximately 2.7 million seniors and over 115 million home-delivered meals were served to approximately 728,000 older Americans.

These meals are vital. Sound nutrition is essential to good health. And, sadly, malnutrition among the elderly is a serious problem. I recently held a hearing on this topic that revealed shocking numbers of malnourished seniors. Witnesses testified that this problem has social as well as financial roots. Seniors who live alone often lack the ability or motivation to prepare meals for themselves. This is where services such as congregate and home delivered meals play such an essential role. They facilitate the social interaction that many seniors need as well as provide meals to those who are physically or financially unable to prepare nutritious meals for themselves.

As chairman of the Committee on Labor and Human Resources Subcommittee on Aging, I intend for the Subcommittee to keep the nutritional concerns of our older citizens at the forefront of our national agenda.

I ask my colleagues to join me in recognizing the contributions of those who serve meals to the Nation's elderly by supporting this legislation to proclaim the week of May 17, 1992, as "National Senior Nutrition Week."●

ADDITIONAL COSPONSORS

S. 391

At the request of Mr. REID, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 391, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 847

At the request of Mr. BURNS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 847, a bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent.

S. 1130

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account.

S. 1213

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1213, a bill to amend title IX of the Public Health Service Act to require the Director of the Centers for Disease Control to acquire and evaluate data concerning preventative health and health promotion, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1862

At the request of Mr. GRAHAM, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1862, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2113

At the request of Mr. SMITH, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2113, a bill to restore the Second Amendment rights of all Americans.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2489

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2489, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 2624, a bill to authorize

appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week".

SENATE JOINT RESOLUTION 258

At the request of Mr. RIEGLE, the names of the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 258, a joint resolution designating the week commencing May 3, 1992, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 263

At the request of Mr. SARBANES, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week".

SENATE JOINT RESOLUTION 266

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 266, a joint resolution designating the week of April 26–May 2, 1992, as "National Crime Victims' Rights Week."

At the request of Mr. THURMOND, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Vermont [Mr. LEAHY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Wisconsin [Mr. KOHL], the Senator from Florida [Mr. GRAHAM], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. HATFIELD], the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. MCCAIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Arkansas [Mr. BUMPERS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 266, supra.

SENATE JOINT RESOLUTION 268

At the request of Mr. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Montana [Mr. BURNS], the Senator from Maine [Mr. COHEN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Virginia [Mr. ROBB], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 268, a joint resolution designating May 1992, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 277

At the request of Mr. D'AMATO, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Joint Resolution 277, a joint resolution to designate May 13, 1992, as "Irish Brigade Day."

SENATE JOINT RESOLUTION 292

At the request of Mr. SMITH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Nevada [Mr. BRYAN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 292, a joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. SEYMOUR, the names of the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Martha Raye.

SENATE RESOLUTION 279

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of Senate Resolution 279, a resolution to prohibit the provision to members and employees of the Senate, at Government expense, of unnecessary or inappropriate services and other benefits.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during WW II.

SENATE RESOLUTION 290

At the request of Mr. DOLE, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Resolution 290, a resolution regarding the aggression against Bosnia-Hercegovina and conditioning U.S. recognition of Serbia.

AMENDMENTS SUBMITTED

ADMINISTRATION OF VETERANS LAWS

CRANSTON AMENDMENT NO. 1788

Mr. FORD (for Mr. CRANSTON) proposed an amendment to the bill (S. 2378) to amend title 38, United States Code, to extend certain authorities relating to the administration of veterans laws, and for other purposes; as follows:

On page 5, below line 2, add the following new section:

SEC. 5. ENHANCED LOAN ASSET SALE AUTHORITY.

(a) AUTHORITY.—Section 3720 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, upon such terms and conditions as the Secretary considers appropriate, issue or approve the issuance of, and guarantee the timely payment of principal and interest on, certificates or other securities evidencing an interest in a pool of mortgage loans made in connection with the sale of properties acquired under this chapter.

"(2) The Secretary may not under this subsection guarantee the payment of principal and interest on certificates or other securities issued or approved after December 31, 1992.".

(b) TREATMENT OF PROCEEDS.—Section 3733(e) of such title is amended by inserting ", and the amount received from the sale of securities under section 3720(h) of this title," after "subsection (a)(1) of this section".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on S. 2631, the Used Oil Energy Production Act.

The hearing will take place on May 20, 1992, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building, 1st and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Allen Stayman.

For further information, please contact Allen Stayman of the committee staff at 202–224–7865.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND APPROPRIATIONS SUBCOMMITTEE ON FOREIGN AFFAIRS

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations Subcommittee on Foreign Affairs will hold a hearing on aid to the Soviet Union, Wednesday, May 6, 1992, at 10 a.m., in SD-628.

For further information please contact Janet Breslin of the Agriculture Committee staff at extension 4-5207 or Eric Newsom of the Foreign Operations Subcommittee staff at extension 4-7209.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Conservation and Forestry will hold an oversight hearing on the Forest Service's proposed changes in the administrative appeals process. The hearing will be held on Thursday, May 21, 1992, at 2 p.m. in SR-332. Senator WYCHE FOWLER will preside.

For further information please contact Woody Vaughan at 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 30, 1992 at 2 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, April 30, 1992 at 2 p.m. to hold a hearing on "Patent Harmonization."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate, 2 p.m., April 30, 1992, to receive testimony on S. 21, to provide for the protection of the public lands in the California desert, H.R. 2929, the California Desert Protection Act of 1991, and S. 2393, a bill to designate certain lands in the State of California as wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 30, 1992 at 10:30 a.m. to hold a hearing on the nomination of John P. Walters, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, and Kay Cole James, to be Associate Director for National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, April 30, 1992, to hold a hearing on "Efforts to Combat Fraud and Abuse in the Insurance Industry: Part 5."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Thursday, April 30, 1992, at 2:30 p.m., in open session, to receive testimony on the national security implications of the proposed sale of the aircraft and missile divisions of the LTV Corp.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED STATES MUST PLAY ROLE IN BRINGING YUGOSLAV VIOLENCE TO END

• Mr. DECONCINI. Mr. President, finally, the European Community, the Conference on Security and Cooperation in Europe [CSCE], and the United Nations are taking steps to stop the bloodshed in Bosnia-Hercegovina. In a three-pronged approach, the CSCE has admitted Bosnia-Hercegovina as a participant, and has questioned Serbia's right to represent Yugoslavia in an assembly of states committed to peace and democracy; the European Community has successfully brought together representatives of the Muslim, Serb, and Croat communities and sees "a light at the end of the tunnel" in discussions on autonomy within a united Bosnia-Hercegovina; and the United Nations will send peacekeeping operations director Robert Goulding to the region and consider sending peacekeeping forces to Bosnia-Hercegovina.

Finally, after 300 deaths and 400,000 refugees in a month of fighting, the United States is prepared to face the issue; 300 deaths after a free and fair referendum showed popular support for independence for Bosnia-Hercegovina, we are prepared to recognize the imminent threat to its existence, and to the lives of its citizens of all ethnic groups.

Let us just hope that it is not too late. I, in my capacity of cochairman of the Helsinki Commission, have been calling for special attention to Bosnia-Hercegovina, including CSCE monitors, since last year, before the conflict had spread from Slovenia and Croatia. Unfortunately, not only were the Community, CSCE, and United Nations uninterested or actively opposed to getting involved in Bosnia-Hercegovina, but Bush administration policies actively discouraged the search for reasonable solutions for all parties.

As happened during the evolution and dissolution of the former Soviet Union, we witnessed a United States response conditioned on nostalgia for the old, simple order in Yugoslavia. The United States was unwilling to confront, until events and the determined peoples of the former Yugoslavia forced us to do so, the possibility that Yugoslavia's constituent republics might be better off apart. How many lives might have been saved by the timely deployment of interposition forces, or even by early recognition of the sovereign republics—a recognition which, bowing to the most groundless fears of one European Community country, we still have not granted to Macedonia? My Commission office has received dozens of phone calls from Americans—some of Croatian descent, some not—asking the same questions. I must admit I share their sense of frustration.

But now the people have taken self-determination into their own hands, and, finally, the Bush administration has recognized the correctness of their struggles—and in this regard I would not want to forget the severe repression of the Albanian population of the Serbian province of Kosovo—and has called into question the legitimacy of the Serbian institutions claiming to represent Yugoslavia abroad. We must not cease the pressure on Serbia and on all parties to live up to international standards regarding democracy, human rights, and territorial integrity; and we must do all we can, including proposing and supporting peacekeeping forces, to promote an end to violence and a lasting solution.•

IN RECOGNITION OF "THE SORGENFREI CREW"

• Mr. GORTON. Mr. President, on July 19, 1944, pilot Kennon Sorgenfrei and his bomber crew were scheduled to fly their next-to-last combat mission of World War II. Today I rise to commend this brave pilot, and his courageous crew, for their efforts during that difficult time, and to honor the occasion of their meeting with the French Maquis—a resistance group which assisted their safe return to the United States.

"The Sorgenfrei Crew," as they were known, had been forced to bail out of their downed plane over German-occupied Vichy France. With the assistance of Le Maquisards—the French resistance—the American troops were lead to safety. By combating the many barriers to language and communication, the two distinguished groups worked together to ensure the crew's survival.

Mr. President, a tribute will take place in late June of this year honoring the fraternal relationship between The Sorgenfrei Crew and the French Maquis. This reunion will take place between French Government representatives and the Maquis, honoring the American crew for their courage, bravery, and heroism.

Mr. President, while I rise today to honor the tremendous valor of Pilot Sorgenfrei and his crew, there is more. Had it not been for the selfless courage of the French Maquis, this reunion would not be possible. This courage transcends people, transcends borders, and transcends nations. It is the rare manifestation of the intangible spirit that makes us one in the pursuit of freedom and justice. Mr. President, it is in recognition of this spirit that I rise to commend Pilot Sorgenfrei and his crew on the occasion of this anniversary.●

HONORING SPACE SHUTTLE PROJECT

● Mr. KASTEN. Mr. President, it has always been a part of the American spirit to reach beyond distant frontiers. I want to bring to the attention of my colleagues today a very interesting way in which some Wisconsin young people are reaching beyond these frontiers.

The Wausau School District in Wausau, WI, is celebrating the 500th anniversary of the discovery of America with a project called International Space Year. This project involves converting a schoolbus into a space shuttle for use as an educational tool.

This space shuttle will visit area elementary schools designated as planets and other celestial destinations. The shuttle will conduct experiments at each school to broaden student awareness of astronomy.

Another aspect of this project—to be implemented this fall—is the conversion of a trailer house into a space science station by the Wausau Area Builders Association.

This creative project is a marvelous way to get Wausau students excited about America's challenge in science and in space. I ask my colleagues to join me in expressing our admiration for the efforts of project coordinator Sharon Ryan and the Wausau School District in making the project a reality.●

THE NEW YORK PHILHARMONIC

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a truly extraordinary organization, the New York Philharmonic, on the occasion of their sesquicentennial. The New York Philharmonic is the oldest symphony orchestra in the United States and one of the oldest in the world. It has played a leading role in American musical life and development since its founding in 1842. I ask that my colleagues join me in commending the New York Philharmonic on their 150th anniversary and wishing them many more prosperous years.

Since its inception, the orchestra has championed the new music of its time, giving many important works, such as Dvorak's "New World Symphony," their premier performances. This pioneering tradition has continued to the present day with works of major contemporary composers regularly scheduled each session.

In 1957, Dimitri Meitropoulos and Leonard Bernstein served together as principal conductors until, in the course of the season, Bernstein was appointed music director, thus becoming the first American-born and trained conductor to head the Philharmonic. Mr. Bernstein remained music director for 11 years and then was given the lifetime position of laureate conductor, the first in the orchestra's history.

After more than 70 years in Carnegie Hall, the Philharmonic moved in 1962 to Philharmonic Hall at Lincoln Center. In 1973, Philharmonic Hall was renamed Avery Fisher Hall in recognition of a major gift from Avery Fisher, a long-time supporter of the orchestra. A portion of this gift was later used to completely redesign the auditorium to an improved acoustical standard.

Today, the Philharmonic plays some 200 concerts a year, most of them in Avery Fisher Hall, Lincoln Center, during the 35 weeks of its subscription season. On March 7, 1982, the Philharmonic performed its 10,000th concert, a milestone reached by no other orchestra in the world.

Kurt Masur, music director of the Gewandhaus Orchestra of Leipzig, became music director of the New York Philharmonic in September 1991, succeeding Zubin Mehta, the longest tenured Philharmonic music director in this century.

The roster of composers and conductors who have led the Philharmonic include such historic figures as Anton Rubinstein, Tchaikovsky, Dvorak, Weingartner, Mahler, Rachmaninoff, Richard Strauss, Mengelberg, Furtwangler, Toscanini, Stravinsky, Koussevitzky, and Walter. Many great instrumentalists and singers of many generations have performed with the orchestra.

Since making its first recording in 1917, the Philharmonic has recorded more than 800 albums; currently over 200 recordings are available. Beginning in 1950 television further expanded the Philharmonic's audience and through this medium they reach millions of people each year.

In 1965, the Philharmonic launched a series of free public concerts in the parks of New York City. Since then, more than 11 million people have attended these concerts. On July 5, 1986, the Philharmonic's Liberty Weekend Concert in Central Park drew 800,000 listeners, the largest audience for a classical music concern in history.

New York has been blessed with a rich assortment of art, theatre, and music of every variety. The New York Philharmonic provides a great value to New Yorkers, and, indeed, the whole world. Their capacity to stir people's imaginations and affect their souls is greatly appreciated today; as it was in 1842 when a group of leading New York musicians organized for the purpose of advancing instrumental music. Their legacy is profound and is deserving of kudos, accolades, and the heartiest of standing ovations. It is my hope that my colleagues will join me in commending this momentous achievement and in wishing the New York Philharmonic many more prosperous years.●

RECOGNIZING THE AIR FORCE TECHNICAL APPLICATION CENTER

● Mr. WARNER. Mr. President, I rise today on behalf of myself, and Senator DANFORTH to recognize the Air Force Technical Application Center, headquartered at Patrick Air Force Base, FL, on the occasion of its 1992 reunion. For more than 40 years, the men and women of AFTAC and its predecessor organizations have vigilantly provided our Nation's policymakers with reliable, sophisticated and scientific information concerning the proliferation of nuclear arms.

Soon after World War II, it became apparent to military and civilian leaders that other nations would eventually gain the awesome power of nuclear weapons. Recognizing that it was in the best national interest to monitor that growth, Gen. Dwight Eisenhower directed the Army Air Force to develop a program with the ability to "detect atomic explosions anywhere in the world," in 1947.

In 1949, sensors aboard an RB–29 flying between Alaska and Japan detected debris from the first Russian atomic test. Since then, AFTAC has evolved into a unique national resource that monitors compliance with nuclear treaties, supports our Nation's space program, and provides critical public safety information during emergencies involving nuclear materials.

Over the years, AFTAC has made significant contributions to the deterrence of nuclear aggression. At its heart is the U.S. atomic energy detec-

tion system, a worldwide system of sensors capable of detecting nuclear weapons or explosions underground, underwater, in the atmosphere, or in space. To accomplish its mission, AFTAC has a network of 14 manned detachments and more than 70 unmanned equipment locations.

AFTAC has also used its unique capabilities to support other national programs. The U.S. manned space flight program utilizes AFTAC's expertise to provide warning of potential radiation exposure to astronauts. AFTAC tracked debris from the 1986 nuclear reactor accident at Chernobyl, and worked closely with the Environmental Protection Agency, Federal Aviation Administration, and other agencies to document the radiological health hazards overseas and in the United States. Today, AFTAC continues to explore ways to employ its unique technological capabilities in other specialized mission areas.

The men and women of AFTAC throughout the last 40 years have helped protect this Nation—and indeed the world—from nuclear disaster by providing hard, highly reliable scientific information to our Nation's leaders. Among the many other benefits of this program, it has, first and foremost, helped to bring world nuclear powers to the negotiating table, resulting in landmark nuclear arms treaties, and reducing the threat of nuclear war.●

IN TRIBUTE TO GERHARD RIEGNER FOR THE ANNUAL DAYS OF REMEMBRANCE CEREMONY

● Mr. DODD. Mr. President, I rise today to join my colleagues in tribute to Dr. Gerhard Riegner, who will receive the U.S. Holocaust Memorial Museum's Eisenhower Liberation Medal at the annual Days of Remembrance ceremony held today in the U.S. Capitol.

Fifty years ago, as the World Jewish Congress representative in Geneva, Dr. Riegner was the source for a chilling cable that was sent from the British offices of the WJC to headquarters in New York. It is a cable whose reading today awakens long-shrouded images of an unthinkable atrocity.

The cable read, in part:

Have received through foreign office following message from Riegner Geneva STOP Received alarming report that in Fuhrers headquarters plan discussed and under consideration all Jews in countries occupied or controlled Germany number 3½ to 4 million should after deportation and concentration in East at one blow exterminated to resolve once and for all Jewish question in Europe.

What happened during the Holocaust, of course, surpassed the worst predictions of Dr. Riegner himself. The mindless hatred of the Nazi regime, and the unspeakable horrors it perpetuated, left an incorrigible mark on an entire episode of history. The Holocaust and its torturous memories are inextricably woven into the social fabric of an entire generation.

For the last half a decade, Mr. President, Dr. Riegner has helped to ensure that this tragic episode in world history not be repeated. Since the Holocaust, Dr. Riegner has devoted much of his life to strengthening the relationship between the world Jewish community and the several Christian denominations. For this remarkable mission of humanity, we honor Dr. Riegner today.

Dr. Riegner has also taken on another mission of equal importance: to ensure that the Holocaust and its bitter lessons are never forgotten. Such is the noble cause of the institution that honors Dr. Riegner today, the U.S. Holocaust Memorial Museum.

The unceasing efforts of Dr. Riegner have helped Holocaust survivors come to terms with the appalling legacy of the past. And they have ensured that a new generation of citizens experience firsthand the mindless horror of an era, so they may silently vow to themselves: "never again."●

HUTCHINSON SENIOR HIGH SCHOOL

● Mr. DURENBERGER. Mr. President, I rise today in order to commend an outstanding group of students from Hutchinson Senior High School in my home State Minnesota. For the fifth year in a row they have proudly represented the people of Minnesota in the "We the People * * * National Bicentennial Competition." The 1992 competition was held this past weekend in Washington, DC, and I am proud to say that the students from Hutchinson once again came through with another outstanding performance.

As participants in this program, students are judged on their knowledge and understanding of the Constitution and its relationship to both historical and contemporary issues. As a result, high school students across the Nation have developed a better understanding of the American constitutional system and its application to our everyday lives.

However, the continued success which has been displayed by the students from Hutchinson Senior High School has not come without much hard work and sacrifice. Countless hours of study and preparation have resulted in the following students contributing to an increased understanding of our U.S. Constitution: Corrie Blegen, Cory Block, Justin Burgart, Damen Cornell, Ryan Cox, Sara Duesterhoeft, Michael Gilbertson, Kelly Hoversten, Darin Lind, Matt Martin, Paul Moehring, Jeffery Mumm, Andy Nelson, Donnie Prellwitz, Michele Ruskamp, Brian Thul, and Peter Van Overbeke.

Finally, I cannot conclude this statement without words of praise for the students' instructor, Mike Carls. His dedication and encouragement have been a major factor during Hutchinson's 5-year reign as Minnesota State champions in the "We the People Competition."

Mr. President, again I congratulate these students on their marvelous achievement, and I wish them the best of luck in all their future endeavors.●

EARTHQUAKE INSURANCE AND HAZARD REDUCTION LEGISLATION

● Mr. SEYMOUR. Mr. President, California residents again were reminded this past weekend of their vulnerability to the unpredictable movements of the tectonic plates that occasionally buckle beneath the surface of our land.

The 6.9 Richter scale quake and subsequent aftershocks that battered Humboldt County along the northern California coast inflicted damages which are now estimated in excess of $50 million. Even that figure cannot begin to take into account the impacts that will be felt by individuals, families and entire communities where residences and work places were either destroyed or damaged. Now to place this earthquake in perspective, it was almost as powerful as the 7.1 magnitude 1989 Loma Prieta that caused over $5 billion in damage.

But northern California is not the only place in my State experiencing earthquakes. Just last week, the area north of Palm Springs was shaken by a 6.0 magnitude quake that was felt throughout much of Los Angeles.

These events also should serve to remind us of the need to come forth with a plan that will enable Californians and residents of other earthquake-prone States to have the resources and help that is necessary to rebuild and recover from the devastation which nature is capable of inflicting in at least 39 of our 50 States.

Such a plan has indeed been drafted, and it should be considered by this Congress at the earliest possible date. Just before the Easter recess on April 7, I joined with the senior Senator from Hawaii, Senator INOUYE, in introducing S. 2533, a bill which better prepares our Nation to respond to the ever-present risk of earthquakes. Our legislation is very similar to a bill introduced in the House, H.R. 2806; that legislation enjoys the support of more than 50 Members of that body.

S. 2533 creates two programs: an insurance program to make earthquake insurance more available and affordable, and a hazard-reduction program to mitigate losses from future earthquakes.

I cannot overemphasize the importance of making earthquake insurance more readily available at affordable rates to all Californians. Press accounts indicate that fewer than 10 per-

cent of the homeowners and renters in Humboldt County had earthquake insurance. The major reason so few Californians are covered is the high premiums and deductibles. Our bill addresses both of these issues.

The average home owner in California today pays approximately $200 to $300 annually for earthquake insurance, and the high deductibles, usually 10 percent of the house's value, means that an overwhelming burden must be met—up to $20,000 on a $200,000 home—before the owner can recover anything.

Our bill, if enacted, would reduce dramatically both the rates and the deductibles because the insurance coverage would spread the costs and risks over a national base. Obviously those with less risk would pay low premiums, but those located in greater risk areas would have the protection which only the very wealthy can now afford. Computer studies conclude that the national earthquake insurance program envisioned in S. 2533 will lower rates to about $50 to $100 per year and deductibles can drop to as low as 2 to 5 percent.

Mr. President, a Federal role is required to help the States respond fully to catastrophic earthquakes and ensure the rebuilding of entire communities. California recently enacted a limited State earthquake insurance program which could cover up to $15,000 in damages. But this program is under fire for several reasons, primarily because of the difficulties in adequately capitalizing a State-only insurance program. As a result, State officials have recommended repeal of the California State program and extended their support for a Federal program such as S. 2533.

The mitigation program in the legislation also represents a forward looking effort to better prepare for the inevitability of earthquakes. The program works constructively with earthquake-prone States to ensure that cost-effective loss reduction measures are adopted and enforced by local communities. Although California has among the most stringent seismic building standards in the country, more can be done. For example, simple and inexpensive measures such as bolting the foundation of wood frame structures could have saved a number of the older Victorian homes that were severely damaged over the weekend in California's Humboldt County.

We must act to consider and bring about a responsible approach to earthquake protection and insurance. Such an approach now exists in S. 2533, and I urge the Senate leadership to give this legislation the high priority which events have shown it deserves.

Mr. President, the quakes that rocked California's northern coast, just like the ones that shook the bay area during game 3 of the 1989 World Series, inflict great pain and suffering. We all know that at any time, and at almost any place, an earthquake of far greater magnitude will strike—the so-called Big One. The question is not whether such an earthquake will occur, but when. There is nothing we mortals can do to prevent such an event from occurring. We can on the other hand enact a program which will insure our ability as a Nation to survive and recover from such an unpredictable event. Let us get about the business of putting the mechanism in place to deal with such an event.●

ANTI-SEMITISM IN GERMANY

● Mr. SIMON. Mr. President, before I begin, I would like to preface my remarks by calling attention to today's designation as the Day of Remembrance of Victims of the Holocaust. In accordance with the intent of the U.S. Holocaust Memorial Council formed in 1980, April 30 has been set aside since 1984 for this poignant day of recognition and remembrance.

In honor of those who suffered and those who died, we must take this day to assure that they are not forgotten. In their memory, we must strengthen our commitment to liberty and justice everywhere and pledge that such a tragedy will never be allowed again. We simply cannot allow the memories to fade. We must always remember, and in remembering, remain true to our role as protectors of democracy.

For the past few months, I have detailed the status of anti-Semitic sentiment in the states of the former Soviet Union. Today and over the next several weeks, I plan to shift attention to the problems facing Jewish citizens in other countries. I turn first to Germany, where Jewish-German relations have suffered greatly from the strains of a tradition that has evolved from the Holocaust to the emergence of neo-Nazis.

Any examination of anti-Semitism in Germany must necessarily begin with the Holocaust and how the German people have come to terms with its legacy. The American Institute for Contemporary German Studies [AICGS] conducted a symposium in December 15–17, 1991, in which Germans, Israelis and American Jews examined the issue of "German-Jewish Reconciliation? Facing the Past and Looking to the Future." The frank, open dialog clearly outlined the difficulties facing this country.

During the symposium, German author Peter Schneider painted a vivid picture of the paradoxical situation confronting Jews and Germans in the modern world as they confront their past.

> There is no such highly charged issue in Germany, loaded with mines, traps and poison, as the issue of Germans and Jews * * * As long as we Germans try to escape this whole crime of the Holocaust in dealing with Jewish friends or people we know, there is no hope. As long as we limit ourselves to look back to the Holocaust, there is no hope either.

Deputy Secretary of State Lawrence Eagleburger spoke to the threat of not only a power vacuum due to the end of the cold war, but also a "moral vacuum—a vacuum ready to be filled by nationalist and racist sentiments." And just as we strive to ensure that the power vacuum is not filled by groups hostile to the burgeoning democracies, so too must we ensure that the moral vacuum is not left open to domination by those who would subvert the freedoms and liberties of others. As Eagleburger stated:

> Our obligation is not to overcome the Holocaust, it is to live with the Holocaust and to learn from it. Only by embracing the past and accepting responsibility for what went before is there any hope to avoid, at some point, a repetition of history. This is the wisdom of the Holocaust, which a world now convulsed by history needs to remember.

It is my belief that we cannot hold the children, grandchildren and subsequent generations responsible for the actions of their parents and grandparents. What we can do, however, is hold them responsible for maintaining the memory of what happened and for guaranteeing that it will never happen again. This is their legacy. We owe the victims as well as the survivors of the Holocaust that duty. As Tom Mathews of Newsweek explained, there is a distinction between guilt, which is individual, and responsibility, which is collective. In those terms, present-day Germans are responsible for resolving the issues of the Holocaust and their nation's anti-Semitic past, but at the same time they are not guilty of the crimes of their fathers. The Holocaust must remain forever as a reminder of the vile and bitter hatred residing within the breasts of some people, which must be eternally guarded against.

Nevertheless, signs of a dangerous nationalism, embracing antiforeigner and anti-Semitic sentiments, have gained momentum in Germany. As Prof. George Mosse describes, in the 20th century, the governments of the world made concerted efforts to integrate the masses. But, with time, those governments have become nationalistic, political foundations in which the irrational and the emotional predominate.

Agnieszka Holland, Polish director of the recently released film "Europa, Europa," which retells the true story of a Jewish child who escaped the Holocaust by posing as an Aryan and serving with the Nazis, described nationalism as a virus that has "defrosted and resurfaced" after 40 years. Nowhere is that defrosting more evident than in the emergence of neo-Nazis in Germany.

The face of neo-Nazism has changed. Whereas they used to be scattered

numbers of misguided older men, neo-Nazis have now been transformed into growing ranks of politically active young Catholic Church officials in June of last year in which he stated:

We should not close our eyes before the danger that in some places, the old demons—nationalism, racism, and anti-Semitism—are being revived. . . I am outraged by the shameless actions by Neo-Nazis. . . These people have learned nothing from the history of this century.

Others, though, point to Kohl's recent meeting with Austrian President Kurt Waldheim, whose German Army unit was accused of wartime atrocities in the Balkans. As Israel's foreign minister David Levy said:

The Germans should be more sensitive than any other nation, especially the German Chancellor. Only decades have passed. We're still very sensitive, and we expect not only understanding but also that the sanctity of memory should always be before the Germans.

More and more that so-called sanctity of memory is coming under fire by rightwing extremists. Whether it is the desecration of Jewish cemeteries throughout Germany or vandalism at former concentration camps, such as Bergen-Belsen, the rhetoric is turning to hostile action. And, most recently, a German construction firm plans to build a shopping mall on the site of the ancient Ottensen Jewish Cemetery in Hamburg. The cemetery, which is nearly four centuries old, is the final resting place of more than 4,000 Jews. These events highlight the need for more sensitivity on the part of Germans and Germany when dealing with Jews.

Germany cannot wholly be characterized by these extremist elements. Major synagogue restoration projects, construction of national Holocaust memorials, the adoption of resolutions intended to cement relations with the Israeli State and permitted emigration of Soviet Jews are indicators that there is substantial understanding on the part of Germany in clearing a path for better relations between Germans and Jews.

Still, a survey conducted earlier this year in part by the Bielefeld Emnid Institute and released in the German weekly Der Spiegel, caused quite a stir among Germans and Jews alike. Thirty-two percent of those Germans surveyed replied "yes" when asked if Jews are partly to blame for why they are hated and persecuted, while 36 percent said Jews have too much influence in the world. But far from implicating only Germans, the survey also lent insight into the biases of Israeli Jews. One thousand Israelis were asked to rate how they viewed Germans by using a scale with plus five being the most positive image and minus five the most negative. Thirty percent rated Germans the lowest possible.

There are no easy solutions. Conferences such as the one sponsored by the AICGS and surveys such as the one released by Der Speigel suggest that the issue of German-Jewish relations cuts both ways. A concerted effort by both parties is necessary if there is to be hope for reconciliation. It is our responsibility to see that this reconciliation takes place, for only when the rights of everyone are ensured can we be certain that democracy will prevail.●

IN THE WAKE OF THE LOS ANGELES JURY'S VERDICT

● Mr. KOHL. Mr. President, I have received a number of calls from constituents today seeking some reassurance, some words of comfort, in the wake of the jury's verdict in the Rodney King case and the subsequent riots in Los Angeles.

I am not sure I can offer that reassurance. I am not sure there are any words that can bring comfort.

But I am sure that it is time we faced some fundamental truths. First, racism is present in every community in this country; it is woven into the fabric of our society; it is part of our perception of every event in our daily lives.

Second, despite the threat to the very existence of our Nation, we continue to fan the flames of racism. The last Presidential campaign did with its Willie Horton ads. David Duke's run for Governor of Louisiana did it 2 years ago. Last years' debate over the civil rights bill created more racial tension. And this year, the campaigns of both David Duke and Pat Buchanan have made overt and covert appeals to our worst racist tendencies.

Third, while we are shocked by the verdict and horrified by the riots which followed, we ought to be even more appalled by our collective failure to address the underlying problem—the real cause—which gives rise to these events. It was almost 30 years ago that we saw cities burning, and neighbor fighting neighbor. It was almost 30 years since the Kerner Commission told us that we were becoming two societies, separate and unequal; 30 years. Three decades.

And today, as we watch the frustrations boil over again, we stand as silent witnesses and realize that, in truth, we really have not dealt with the problem at all. We only denied its existence until it cannot be ignored. That, Mr. President, is what should be shocking our country at least as much as the verdict and riots. We cannot reverse the jury's decision. We cannot undo the grief that has been created in Los Angeles and throughout the country. But we can correct our failure. Indeed we must. We must act, now, to prevent another 30 years of inaction and another outburst of violence and rage.●

ADMINISTRATION'S ACTIONS TO PROTECT INTELLECTUAL PROPERTY

● Mr. SEYMOUR. Mr. President, I rise today to applaud the U.S. Trade Representative's announcement yesterday listing its annual decisions required under the special 301 procedures of our trade laws. This statute requires the identification and designation of those countries which deny adequate and effective protection for U.S. intellectual property rights, such as copyrights patents, and trademarks.

USTR identified three countries—Taiwan, India, and Thailand—as priority foreign countries, the category reserved for the most serious offenders.

Since special 301 was enacted as a provision of the Trade Act of 1974, only four countries have received this designation and commensurate USTR investigation—India, the People's Republic of China, Taiwan, and Thailand. India, Thailand, and the People's Republic of China were investigated last years. The People's Republic of China was removed from the list earlier this year after negotiators reached agreement shortly before United States retaliatory tariffs were scheduled to take effect.

I am particularly gratified that USTR has designated Taiwan. Earlier this month, several of my California colleagues joined me in urging a special 301 designation and investigation of Taiwan because of its lack of enforcement of widespread illegal infringement of video game software. This designation is clearly necessary because, while the USTR has noted significant improvements in pending and proposed intellectual property law legislation, Taiwan has made little concrete progress toward effective enforcement.

Mr. President, intellectual property rights violations are particularly devastating to California business. As a center for IPR-sensitive industries, my State is home to more than 50 percent of U.S. video game software development companies. Moreover, many characters in video games are licensed from major California movie and television studios. Three of them, Walt Disney, Universal Studios, and Lucasfilm, joined Nintendo of America and numerous other licensees and developers of video games in requesting the priority country designation for Taiwan.

The administration estimates the piracy of American patents and copyrights, and the counterfeiting of American trademarks costs our economy $60 billion annually. Since these illegal activities take place primarily in foreign countries, significant progress in reducing this problem would yield tremendous benefits for our economy and our international trade balance.

Mr. President, a designation as priority country does not end the process. Rather, it is a beginning. The USTR

now will make a decision within 30 days whether to initiate an investigation into each country's acts, policies, and practices that underlie the designation. Following such an investigation, the USTR can take trade action under section 301 if violations persist.

Certainly it is all of our hope the special 301 designation and potential investigations will be sufficient warning to bring Taiwan and the other countries to act to protect intellectual property rights. However, I firmly believe the USTR must take strong action if these problems persist and if we are to show the world that we are serious about protecting United States intellectual property.

In closing, Mr. President, I would like to note in particular the strong leadership of U.S. Trade Ambassador Carla Hills. Ambassador Hills has continued to focus on this critical issue, most recently in her successful conclusion of negotiations with the People's Republic of China, and she has made clear to our trading partners our commitment in this area.

Again, Mr. President, I applaud the administration's announcement, and I look forward to working with USTR to ensure greater respect for U.S. intellectual property rights.●

FINANCIAL DISCLOSURE REPORTS

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended and Senate rule 34 must be filed no later than close of business on Friday, May 15, 1992. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings; and will provide automatic written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 12. Advance requests for copies of full sets of 100 Senators' reports are now being accepted by the Public Records Office. Any questions regarding the availability of reports or their purchase should be directed to that office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

ORDERS FOR FRIDAY, MAY 1 AND TUESDAY, MAY 5, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Friday, May 1; that when the Senate meets on Friday, it meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m. on Tuesday, May 5; that on Tuesday May 5, following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators ROTH and DURENBERGER recognized to speak for up to 10 minutes each; and that on Tuesday, May 5, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the regular party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, on Tuesday, May 5, at 10 a.m., it is my intention that the Senate will begin consideration of the rescission bill, S. 2403, reported earlier today by the Appropriations Committee. Rollcall votes may occur at any time during the day on Tuesday.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:45 p.m., recessed until 11 a.m., Friday, May 1, 1992.

NOMINATIONS

Executive nominations received by the Senate April 30, 1992:

THE JUDICIARY

RONALD B. LEIGHTON, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE JACK E. TANNER, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. THOMAS J. MCINERNEY, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH W. RALSTON, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. JOHN M. SHALIKASHVILI, [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT J. WINGLASS, [redacted] USMC.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RICHARD M. DUNLEAVY, [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. WILLIAM A. OWENS, [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) THOMAS J. LOPEZ, [redacted] U.S. NAVY.

EXTENSIONS OF REMARKS

CATSKILL ELKS ARE LEADERS IN RECOGNIZING VOLUNTEER CONTRIBUTIONS OF YOUTH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SOLOMON. Mr. Speaker, I would like to pay tribute today to the Benevolent and Protective Order of Elks, Catskill Lodge No. 1341 for its leadership role in a very important undertaking.

In conjunction with the Greene County Youth Bureau, Catskill Elks are designating the month of May as Youth Month. This gesture will recognize the significant contribution youths in Greene County have made as part of the National Youth Service America Project and in general throughout the year.

Mr. Speaker, I am a big fan of the youth of this country. When given proper guidance and the right opportunities, they jump right in with all the energy and enthusiasm of which they are capable and make a difference in their communities. There has been a new spirit of voluntarism in this country, and our youth were the first to respond.

National Youth Service Day is a way to recognize these contributions from young people. With their participation, including their May 8 awards dinner, Catskill Elks are demonstrating their partnership with youth and their own commitment to community service.

Let us all rise, Mr. Speaker, to salute the youth of this country and the Elks of Catskill for encouraging them.

LENNAR'S SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Lennar, whose sound strategic planning led it to become Florida's largest residential builder. The Miami-based company, who in 1991 enjoyed a net income of over $21 million, has remained strong in an industry hit hard by troubled times. In recent years, it has maintained a high-quality operation and has successfully tapped into consumer-oriented services such as financing. The company was featured in the Miami Herald for its impressive achievements. The article "Lennar: Bright Spot in Troubled Industry" follows:

Talk about bucking the trend.

While national housing starts recently have hit their lowest levels in decades, Miami-based home builder Lennar continued to rack up impressive results.

For the year ended Nov. 30, net earnings at Florida's largest residential builder were $21.1 million, or $2.10 a share. That's a 55 percent increase over the previous year, when net income was $13.7 million, or $1.36 a share.

While revenues of $325.7 million were down $25 million from 1990, they still were remarkable in an industry hit hard by recession.

Those numbers, and the company's resilience in a down market, reflect smart management and sound strategic planning, the panel of judges said. The company easily earned a place among the five finalists.

"Any home builder that's doing as well as they are deserves to be on the list," Kraft said.

He said the company has successfully maintained a high-quality operation and broadened its product line into consumer-oriented services such as financing.

Hille described the company's performance as "almost unbelievable. It has truly gone against trends in the industry."

He praised Lennar's management.

"They have a group of people who know when to retrench and how to keep overheads low," he said.

Three years ago, when the market was healthy, Lennar trimmed overhead and debt and boosted liquidity. It reduced its inventory of unsold homes. To assure income when home sales slumped, it accelerated the growth of its financial-services business.

"They're a very strategically oriented company," Wyman said. "They're looking to the next phase of the market, not just reacting to the current market."

Mr. Speaker, I commend Lennar and its talented management for its prosperous efforts in becoming a better company. In these difficult economic times, the company's great success is admirable to all in the business world.

TRIBUTE TO VICKI DOBBS: A PROFESSIONAL TEACHER AND A FRIEND TO STUDENTS

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most deserving tribute to Vicki Dobbs, a professional and caring teacher at Monrovia Elementary School in Huntsville.

Mrs. Dobbs is a truly unique teacher who is a part of the broad educational spectrum. By motivating young children to meet their expectations, her influence and desire for excellence has changed the lives of many of her students.

Mrs. Dobbs believes communication with parents and students is the strong link that allows parents and children to be active participants in education. To facilitate this, she has developed her own checklist of academic and behavioral standards which is completed every week on each child. This report then goes home at the end of the week to show parents the areas where their children have succeeded. Being praised for a job well done spurs children to continue their educational efforts.

"The love for teaching children is not found in any book," as Mrs. Dobbs has so eloquently written in her biography. "Teaching is a difficult juggling act of many multiple factors including human, social and economic issues. Children are affected by divorce, poverty, drugs, abuse, and many other countless factors. These varied hurdling blocks are as different from one child to the next."

Mrs. Dobbs' view of teaching is that an excellent teacher must see the child and his total needs. "Education," she writes, "must be a three-fold effort involving the parents, the teacher, and the child."

This great teacher, who has served our children in the classroom for 12 years, demands that teachers represent the best in academics. She calls on capable students to enter the teaching profession and strengthen our solid foundation in education.

Mrs. Dobbs is a credit to the Huntsville-Madison County education system and to the many students who were fortunate to have her as an instructor and role model.

Mrs. Dobbs is proof perfect that one person can make a difference. Thanks to her success in the classroom, a next generation will be highly motivated and professionally educated.

BELLEVUE JUNIOR PRO GIRL'S ALL STAR TEAM: NATIONAL CHAMPIONS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CLEMENT. Mr. Speaker, today I rise to congratulate an outstanding group of 11- and 12-year-old girls from the Nashville area who recently emerged with the national championship in the National Junior Pro Basketball Tournament in Knoxville, TN.

The Bellevue Junior Pro Girl's All Star Team won the State championship on March 28, and played three difficult games over the Easter weekend to emerge with the national title. In addition to winning the championship, the Bellevue team also gained the Sportsmanship Award, a wonderful tribute to their team spirit and graciousness on and off the basketball court.

The team roster includes: Tiffany Luma, Kerri Helton, Jenni Bradley, Cary Blount, Katie Sulkowski, Kathryn Baker, Jessica Hamilton, Elizabeth Traugott, Beth Baker, Kim Hamilton, and Coaches Richie Hamilton and Dale Hamilton.

Mr. Speaker, I ask that you and the rest of our colleagues join with me in recognizing the tremendous achievement of this special group

of young athletes, and the parents and community who so vigorously supported their efforts.

DRUG COMPANIES COMMENDED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STARK. Mr. Speaker, congressional efforts to address problems of skyrocketing prescription drug prices—a serious barrier to access to health care—have produced some positive results, as several companies have acted to improve access to drug therapies through discounts to the Government, donor programs for low income and the poor, and taking a pledge to hold prices at or near the inflation rate. For those responsible acts, I wish to recognize several pharmaceutical companies. They are: Johnson & Johnson, Searle, Pfizer, Abbott, Bristol-Myers Squibb, Merck, Burroughs-Wellcome, Glaxo, SmithKline Beecham, Hoffmann-LaRoche, ICI, and Genentech.

Huge problems remain. Prescription drug prices industrywide continue to outpace the consumer price index, creating a serious barrier to access to health care. A small handful of orphan drug manufacturers are, bluntly, quite immoral in their pricing policies. And too much R&D is devoted to so-called me-too drugs instead of needed remedies to other health care needs, most notably AIDS, cancer, Alzheimers, and mental health care needs. The list of problems, of course, could go on and on.

But at least some companies in the industry are quick to recognize its faults and to act to self-correct. I encourage the responsible pharmaceutical companies to set an example for those companies who have until now failed to recognize that private sector self-correction may be their best friend yet.

TRIBUTE TO MARY RIO ON HER 80TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Mary Rio who will be celebrating her 80th birthday on May 17, 1992. A lifelong resident of Chicago, Mrs. Rio should be a source of pride to all who live in that great city and throughout the Nation.

Mary Rio's greatest accomplishment and source of pride is her wonderful family. She has two children, James Rio and Marie Mazzuca, and three grandchildren, Frank James, Diane Lynn, and Laura Ann. Her six great-grandchildren are Kelly Marie Ray, Kristin Marie Ray, Rebecca Ray, Frank Joseph Mazzuca, Anthony Mazzuca, and Nicholas Mazzuca.

In addition to raising a fine family, Mrs. Rio had a long and distinguished career before her retirement in 1974. During World War II, she worked at various war plants, and in the years since she has worked at various candy companies including Walter Burke and Fannie May. Before retirement, Mary worked at the Elmcraft Card Co. in Bedford Park, IL, for 10 years.

Since her retirement, Mary Rio has devoted her time to her family and the Chicago Cubs. She is an avid fan who could teach each of us a lesson in devotion. I am pleased to honor Mary Rio on this special day. I know my colleagues will join me in congratulating her on this milestone and wishing her many more years of happiness.

TRIBUTE TO PORT HURON LITTLE LEAGUES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BONIOR. Mr. Speaker, this year Port Huron Little Leagues will celebrate their 40th year in the community. Back in 1952, fewer than 100 youngsters and adult volunteers were involved in the league. This summer there will be over 600 youngsters and adults participating for the season.

As a youngster, I played in summer baseball leagues and learned teamwork, discipline, healthy competition, and the pure joy of the sport. Those games are special memories that I still treasure. And those skills and experiences have proved invaluable to me throughout my life.

Your efforts to assure that all children between the ages of 8 to 12 have the chance to play are very commendable. The Port Huron Little Leagues is a model to others; it offers the opportunity to play baseball regardless of ability to pay, athletic skill, or sex.

In closing, Mr. Speaker, the dedication and commitment of the Port Huron Little Leagues offer the children of my district the opportunity to play America's great pastime.

On this special occasion, I ask that my colleagues join me in congratulating Port Huron Little Leagues on their 40th anniversary.

HOLLIS AREA HIGH SCHOOL WINS NEW HAMPSHIRE BICENTENNIAL COMPETITION

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SWETT. Mr. Speaker, I rise today to congratulate the students and faculty of Hollis Area High School, Hollis, NH, the New Hampshire State winner of the "We the People * * * National Bicentennial Competition on the Constitution and the Bill of Rights."

I would like to commend Ray Neeland, who is responsible for implementing and supervising the national bicentennial competition in my district. Also deserving of recognition is the State coordinator, Carter Hart, Jr., who is responsible for the administration of the program at the State level.

I especially want to congratulate the teachers, Joel Mitchell and Helen Melanson, who did an outstanding job of working with these students to prepare them for this competition.

The names of the students from the distinguished winning class from Hollis Area High School are: Jennifer Araujo, Carolyn Archer, Lyn Baranowski, Carl Bjerke, Brian Bosworth, James Brannigan, Ann Burgher, Josh Clark, Tina Franklin, Meghan Fuller, David Goodchild, Adrienne Gross, Derek Hoffman, Clancey Jackson, Scott Kelley, Russell Kellner, Christopher Loveland, Christieann McCabe, Camden Mitchell, David Napier, Angela Norton, Nietra Panagoulis, Tia Rheaume, Geoffrey Stenzel, Margaret Wheeler, Scott Wifholm, David Yager, and Jessica Zall.

This class from Hollis just completed the national competition held here in Washington, DC. They displayed a strong understanding of our Government and its foundation and performed admirably against difficult competition.

Mr. Speaker, the national bicentennial competition is an exceptional education program developed by the Center for Civic Education and cosponsored by the Commission on the Bicentennial of the United States Constitution. This advanced program provides high school students with a course of instruction on the development of our Constitution and the basic principles of a constitutional democracy. In both the instructional and the competitive segments of the program, students work together to strengthen their understanding of the American constitutional system.

The instructional materials developed by the Center for Civic Education which prepare students for the competition are being used throughout our Nation. While the competitive part of the program advances the winning teams at various levels, the benefits of this excellent educational project are extended to every student who participates. In this respect, all the students are winners, because they gain valuable civic and intellectual skills enabling them to make informed and reasoned political decisions in today's society.

Mr. Speaker, I ask my colleagues to join me in congratulating Hollis Area High School on their noteworthy achievement.

IT IS TIME TO END THE KILLING IN THE BALKANS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. OWENS of Utah. Mr. Speaker, as I rise today, the Serbian Army, backed by the federal forces of the former country of Yugoslavia, is killing innocent civilians in Bosnia-Hercegovina. Since April 7, over 190,000 people have fled their homes in the wake of bombing, shelling, gunfire, and deprivation.

We hear of a cease-fire, yet see the continued bloodshed and suffering. After nearly a year of violence, where is the State Department? As a recent New York Times editorial pointed out, what would we do if Bosnia had oil? Is oil the only factor that motivates the Bush administration?

While the entire world is watching, Croatia and Bosnia are being strangled. If this sounds

hauntingly familiar, it should. The world has been a witness to inhumanity before only to discover when it was too late that we could have prevented the horrors of war if we only had acted.

Mr. Speaker, I will soon be introducing legislation to ban United States assistance for Serbia and Montenegro, and to call on the President to derecognize Yugoslavia. In addition, my legislation will freeze Yugoslavian assets in the United States.

It is time to end the killing and start a healing process in the Balkans. But this will only be successful if we act to convince Serbia to participate and to stop the violence. I hope my legislation will be persuasive and I urge the administration to act, not just talk.

ABSTRACT OF THE ASTROLABE SHUTTLE PROJECT

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. COSTELLO. Mr. Speaker, I would like to take this opportunity to enter into the CONGRESSIONAL RECORD, as an extension of remarks, information on the Astrolabe shuttle project given to me by an interested constituent. I urge my colleagues to carefully consider these comments.

ABSTRACT OF THE ASTROLABE SHUTTLE PROJECT

At no time in our history has education been so prominent on the national agenda. Our country urgently needs a continuing supply of young scientists, engineers and technicians to keep our nation economically and technologically competitive. Therefore, it is important that this country have a strong educational program to capture a student's interest in science, mathematics and technology at the elementary and middle school levels by using aeronautics and space as a vehicle of excitement.

Space captures the imagination of every young mind and heart. The Astrolabe Shuttle Project will provide the kind of captivating educational program that John Hartsfield, aerospace educational specialist and representative of the National Aeronautics and Space Administration, has recommended.

Astrolabe, a mini mathematics/science center, will be developed to allow the 170 sixth graders at Castlio Elementary School to experience the excitement that the shuttle creates. A mobile classroom, simulating a space shuttle, will be created with hands-on learning centers emphasizing mathematics, science, and computer science. The six learning centers in the simulated shuttle will give students mathematics and science experiences in each of these areas: Food, Clothing, Health, Housing, Working, and Communication. Four teachers will attend NASA's Space Camp, upon returning they will then train the other teachers. A Make-it and Take-it workshop, for the eight sixth grade teachers under the guidance of a NASA consultant, will focus on making such things as a space suit, a space helmet, and food trays for use in the shuttle. The consultant will bring a one-half size nose cone of a shuttle to the school so students can experience a simulated mission from launch to splashdown. Chapters of the national Young Astronaut's club will be formed to expand interest in the Astrolabe project beyond the normal school day. It will also promote parent participation in the education of their children by serving as co-leaders with teachers. Females will be targeted to increase their interest, abilities, and participation in the areas of mathematics, science, and computer science and to increase their awareness of career opportunities in these non-traditional fields where they are under-represented.

Crawley and Coe's research, written in the Journal of Research in Science Teaching, May 1990, found that, "The best predictor of science career interest of females is a positive feeling about science classes." This project will promote a positive feeling about science and mathematics by allowing all students to feel success and accomplishment in the shuttle activities.

To quote Astronaut Mike Mullane, "The first Astronauts to land on Mars are walking the earth today as elementary grade boys and girls. Let's make certain they are American boys and girls with projects like Astrolabe."

PLAN OF OPERATION

The Astrolabe Shuttle project will be created at Castlio Elementary School in the county of St. Charles, Missouri, a residential area approximately twenty miles west of St. Louis, Missouri. Castlio is a year-round elementary school of approximately 1,200 students. It is a part of the Francis Howell School District which has the oldest year-round elementary program in the nation. The Francis Howell School District meets all the requirements of Title IX of the Education Amendments of 1972 and is non-discriminatory in hiring on the basis of sex. At Castlio Elementary School three cycles of students are in session at one time, receiving nine weeks of instruction while the fourth cycle is on a three week break. Each time a cycle returns from break, the students are assigned a different classroom making the creation of Astrolabe in a particular classroom impossible. There are, at the present time, no empty classrooms available in which to create the Astrolabe Shuttle Project in and little prospect for empty rooms in the near future. For these reasons an alternative housing facility is needed and desired.

Six learning centers will be created in a mobile classroom unit which will replicate a simulated space shuttle. Students will participate in mathematics and science experiences in each of these areas: Food, Clothing, Health, Housing, Communication, and Working. Astrolabe will be created in a 12' 60' mobile classroom unit. The exterior will be painted to resemble a shuttle with a plywood "tail fin" and trash can "engines" added for realism. An entry ramp will be provided for easy access by physically impaired students. Inside there will be a 12' 12' media/conference room. Here students will don their space suits, remove their shoes, and prepare for their missions. This room will also be used for debriefing astronauts after their missions, guest speaker appearances, and viewing NASA videos. The remainder of the unit will be visually divided into six learning centers. Attempts will be made to achieve as much realism as possible through equipment purchased and interior designs.

The Food center will deal with the concepts of: eating in a weightless environment, food preparation in a limited space, and preparing safe and nutritious foods.

The Clothing center will deal with the concepts of: the relationship between colors and temperature, the insulation qualities of different materials, and the particular needs of clothing worn on board the shuttle as well as in outer space.

The Health center will deal with the concepts of: the importance of regular exercise to counteract the effects of living in a weightless environment, the disorientation caused by living in a weightless environment, the importance of cleanliness aboard the shuttle, and simple emergency medical procedures.

The Housing center will deal with the concepts of: the complexity of the space shuttle, the importance of following step-by-step instructions, the protective packaging required for all elements aboard the shuttle, living arrangements aboard the shuttle, and spacelab as a completely furnished laboratory.

The Communication center will deal with the concepts of: essential effective communication between the shuttle and earth and within the shuttle for successful missions, the importance of computers to control and to process the tremendous volume of information and data needed for each flight, and the use of the binary number system in computers.

The Working center will deal with the concepts of: weightlessness effects on the human body, the effects of gravity, and magnetism and electricity.

The activities in these six centers will be matched to the existing curriculum objectives. They will enhance and reinforce learning skills required by the district and the state. They will specifically address the learning objectives identified as weak by the MMAT results and the current CTBS results. Each sixth grade class will spend two hours a day during their mathematics and science periods in the Astrolabe Shuttle for a two week period. One week prior to their Astrolabe experience the unit will be available for teacher preparation, the week following student's Astrolabe experience will be for make-up of any missed days or to complete any long term projects.

Castlio's unique year-round school program affords a rare opportunity for year long continual use of the planned Astrolabe Shuttle Project. The project is designed to fully involve females in leadership roles, reduce competition between students, and encourage student cooperation, interaction, and discussion. This will reduce feelings of lack of self-confidence in abilities often felt by females in these areas of study. Hands-on activities will allow females the opportunity to develop spatial abilities which often fall below male abilities and are so critical in learning mathematics and science. Working small crews of four or five students, they will share leadership, knowledge, and gain mutual respect for each other through peer teaching. This will boost the low self-esteem often felt by females in these areas. Astrolabe will involve every student, not just those who are currently interested in mathematics, science, and computer science and will develop an interest where none exists. Females will not be allowed to become passive recorders of information, as often happens, but will be required to participate in every aspect of learning as active crew members. This will promote their interest in mathematics and science. Astrolabe has the potential of being implemented in elementary schools across the nation and impacting females nationwide.

A Young Astronauts club will be formed with parents and teachers serving as leaders. Parents, especially women, will be actively sought to serve as co-leaders and role models

for students. The Young Astronauts program is a national educational enrichment program for elementary, middle, and junior high school students designed to promote the study of science, mathematics, and technology. Its primary purpose is to raise the proficiency levels of students in these areas. The program has proved effective with girls and boys. The curriculum is centered on hands-on, self-explanatory, fun activities. Corporate support will be sought from agencies such as McDonalds, Toys 'R' Us, McDonnell Douglas, and Pepsi which are located in or serve the area. These corporations support and promote the Young Astronauts program and will be asked to cover a portion of the cost of production of program materials.

A scholarship fund will be created to send two students to Space Camp. They will be chosen from students who participated in the Astrolabe Shuttle Project. It will be an incentive reward to those students who would benefit most from further space experiences. A committee made up of teachers, principals, superintendents, local business persons, and community members will interview applicants and make the selections. It will be based on a numerical rating system covering knowledge, desire, attitude, and willingness to work. Grade averages will not be as important as whether a student is working to her potential. Social behavior and work habits will be considered. Each year two students will be selected to attend Space Camp. At the conclusion of the grant period the Parent Teacher Organization, local businesses, and the Young Astronauts club will continue to fund the project.

The week prior to "lift off" teachers will help students prepare for their space adventure. Each teacher will divide their class into crews of four to five students. Emphasis will be on placing girls in each crew. Each shuttle crew will consist of a commander, pilot, mission specialist, and a payload specialist. Any additional students will be assigned the position of payload specialist. Students will research their positions to find out what duties and obligations are required in their job descriptions and write a one page report. They will be encouraged to share information with other students holding the same job. This will promote knowledge of occupational opportunities for females in the fields of mathematics and science.

Classes will then begin a study of, "On The Wings of a Dream." This book, about the shuttle, was written and prepared by NASA for students at about the sixth grade. Crews will design an insignia patch to be worn at all times while on-board Astrolabe. One extra insignia will be created for inclusion in the Astrolabe Shuttle Hall of Fame album. During reading class two space related stories from the basal reader will be used during the two week mission period.

Day 0: Entering the shuttle for the first time.—Students will always remove their shoes upon entering the shuttle since no shoes are worn aboard the real shuttle and the desire is for as much realism as possible. Each crew member will be issued a flight suit to wear during their two week Astrolabe experience, a clipboard, and a pen with velcro on them, so they do not "float off into space." They will also receive a folder, in which to keep all assignments for the two weeks. These will remain aboard the shuttle at all times except for extravehicular activities (EVA's).

Teachers will give a brief overview of each of the six work stations and assign each crew a starting location for the next day's activities. Each of the six work stations will be designated as under the command of a particular crew member. For example, the pilot will be in command when her/his crew is in the Communications station. At each station, crews will engage in hands-on mathematics and science activities. Crews will be strongly encouraged to assist their members so all are successful in completing the assignments.

Day 1: Students will proceed to their assigned work station for the day. All students will do the Day 1 activities in their area. As an example, they will explore why astronauts wear white and reflective clothing while on EVA's.

Students will wrap jars of water in a variety of materials and record their temperature variations over time. Students will then compare the decimal temperature variations of each jar to determine which stayed the coolest. All mathematics and science activities will be written in a format easy enough for students to follow with little, if any, teacher intervention.

All experiments will follow the five steps in the scientific method of learning: state the problem, form a hypothesis, experiment, record the data, and form a conclusion. The crew member in charge for the day will be responsible for the group and the satisfactory completion of that day's mission. All students will write up their experiences and keep them in their journal notebooks. At the completion of their assigned mission, crew leaders will be certain that their work station is clean and all garbage is bagged for removal, as in the real shuttle.

At the end of the period, about one and one-half hours, the crews will reconvene in the media/conference room in the shuttle for a debriefing session. The crew leaders for the day will then describe their crew's mission and what conclusions they were able to draw from their experiences. Students will then disembark the shuttle taking their garbage with them for "disposal on Earth."

Days 2-6: Crews move to their new assigned work station and a new crew leader is designated. Each crew will then proceed with Days 2-6 activities. New crew leaders are assigned each day and are responsible for that day's mission. Again at the end of the period a debriefing session is held before "return to Earth."

Day 7: Culminating activity.—On this day, crews will prepare a "Space Meal" of typical shuttle fare and eat while standing or sitting on the floor in Astrolabe, much the same way as the real astronauts do.

A NASA video such as "The Dream is Alive" will be shown. Each crew will give a brief summary of their week's missions and long term experiments will be presented. Long term experiments will include growing plants and bacteria to determine their life requirements.

Insignias will be mounted in the "Astrolabe Shuttle Hall of Fame" album and each crew member will sign her/his name and title next to their insignia. A group photograph will be taken, a video made for viewing by parents and interested community members, and a congratulatory word of achievement will be given by the "President" (principal) to all crews. Notebooks will be collected for the last time for a "Job Well Done" written statement by the "Mission Director" (classroom teacher).

Students will feel success in mathematics and science in the Astrolabe Shuttle Project and will therefore have a positive attitude towards them. Successful females in the fields of mathematics, science, and computer science will be invited to speak to students to build student's interest in their particular occupations. Females that are Hispanic or African-American, such as Dr. Mae C. Jemison the first female African-American astronaut, will especially be sought out as speakers to encourage minorities to enter these fields.

As quoted from the Spring 1990 "Challenger Log"

By the year 2000, the U.S. will face a critical shortage of scientists and engineers. By that same year, 85% of all new workers will be women, minorities and immigrants, yet today few from these groups consider science or engineering career choices.

Astrolabe will endeavor to eliminate some of these problems of women not entering into the fields of mathematics, science, and computer technology by reaching female students before they feel that they just can't "do" mathematics and science.

TRIBUTE TO FRANCES HENDERSON

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. WELDON. Mr. Speaker, it is with great pleasure that I rise today to recognize Mrs. Frances Henderson, of Chester, PA, who will be receiving President Bush's Annual Points of Light Award. Mrs. Henderson is one of 21 individuals selected from over 500 applicants nationwide. She was chosen to be a recipient of this award as a result of dedication and commitment to making the city of Chester a drug-free and safe community. For the past 2 years Mrs. Henderson has been involved in various activities to improve the city of Chester, and her efforts reflect well on all of Delaware County.

Mrs. Henderson is an active volunteer leader in the Delaware County Cooperative Extension Urban Gardening Program and a member of the Delaware County Cooperative Extension Association of Board of Directors. As an active volunteer in her community, she has coordinated numerous activities to improve the Chester community. Working in conjunction with the city and other volunteers, Frances Henderson organized neighborhood children to participate in an area cleanup. The children who participated were rewarded with a block party, to thank these hard-working youngsters for a job well done. Her involvement with the Urban Gardening Program promoted her to transform a trash-filled lot into a vegetable garden for the entire community.

The Points of Light Foundation was established in March 1990 to help call the Nation to engage in volunteer community service aimed at solving social problems. President Bush's Annual Points of Light Award is awarded to individuals, groups, and institutions in America who engage voluntarily in direct and consequential community service to solve serious social problems in their own community. When a neighborhood, town, or city meets the challenge of creating Points of Light everywhere it will become a "Community of Light.' Thanks to Mrs. Henderson, all of Chester is a "Community of Light," Frances Henderson's hard work has paid off for the city of Chester, and she

is an inspiration for all of us. My heartiest congratulations go out to Mrs. Henderson for her acceptance of this honor, as well as my thanks for her hard work and dedication to making Chester a "Community of Light."

THE ADVANTAGES OF SUBSTANTIAL REDUCTIONS IN THE MILITARY BUDGET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, the board of aldermen of the city of Newton recently adopted a very sensible and thoughful resolution about the advantages of substantial reductions in the military budget. It is very appropriate that the board of aldermen picked Patriot's Day to issue this affirmation of a policy which is very much in the interest of a strong and prosperous America. Mr. Speaker I ask that this very thoughtful resolution be printed here.

RESOLUTION

Whereas: the Cold War has ended and the threat from the former Soviet Union is greatly diminished, and

Whereas: the United States government continues to spend almost $300 billion a year on the defense budget, while reducing expenditures for education, housing, infrastructure and human services, and

Whereas: the absence of adequate federal funding is making it difficult for the city of Newton to provide adequate education, housing, infrastructure and other services, and

Whereas: the Newton Board of Aldermen is desirous of seeing additional federal funds be committed to cities and towns across the Commonwealth and nation, and

Whereas: April 20th, 1992 is the date upon which the citizens of Massachusetts celebrate Patriots' Day in honor of our country's greatness, and

Whereas: that greatness cannot be defined solely in military terms, but also by the economic and educational well-being of our citizens,

Now, therefore let it be resolved that the Newton Board of Aldermen congratulate our Representative in Congress and U.S. Senators for supporting substantial cuts in military spending, reductions in the gross Federal debt, and increases in spending for domestic needs and urge their continued leadership, and

Let it be further resolved that the Newton Board of Aldermen endorses the effort to use the occasion of Patriots' Day, April 20, 1992 to bring this important issue to the attention of Newton citizens.

SALUTING RICHMOND COUNTY'S TRICENTENNIAL

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BATEMAN. Mr. Speaker, I wish to salute the 300th anniversary of the creation of Richmond County, located in the First District of Virginia. A charming coastal farming community, Richmond County is truly a pleasure to represent.

Richmond County traces its history to the early 1600's with explorations of the Rappahannock River by Capt. John Smith. Although this beautiful and relatively untouched land was inhabited by hostile Indians, people flocked to the area to utilize the rich land that was available. In addition, the miles of inland waterways provided countless opportunity and still do today.

As population grew in what was then Rappahannock County, it became apparent that governing an area divided by the Rappahannock River posed a problem. The Colonial Assembly in 1692, therefore, divided the area into two separate counties. The land on the east bank became known as Richmond County, after the Duke of Richmond, a favorite of the ruling monarchs. The land on the west bank became Essex County.

Richmond County has made many contributions to the area and the Nation. It was home to Judge Cyrus Griffin, the last President of the United States under the Articles of Confederation. He held the position until the Constitution was adopted. Congressman William A. Jones, the author of a bill guaranteeing independence for the Philippines, is also from the area. These fine citizens serve as examples of the tradition and values held by the inhabitants of Richmond County.

With its location, heritage, simple lifestyle and sincere citizens, Richmond County is proud to celebrate itself as a community. Descendants of those who first settled the region continue to live here and are proud to have been a part of this Nation from its inception.

TRIBUTE TO MRS. ROCCHINA SANTINI OF NUTLEY, NJ 1992 ITALIAN TRIBUTE "MOTHER OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROE. Mr. Speaker, on Friday, May 8, residents of my Eighth Congressional District and the friends and family of the Italian Tribune News will join together in testimony to an esteemed restaurateur, distinguished citizen and charming lady, Mrs. Rocchina DeMasi Santini of Nutley, NJ, the 1992 Italian Tribune "Mother of the Year."

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Mamma Santini, her sons Piero and Carlo, her 10 grandchildren and 7 great-grandchildren, on this milestone of achievement in testimony to her standards of excellence in our American way of life.

Mr. Speaker, the pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream, that is the success of the opportunity of America, and the mark of distinction in our society of the self-made person. The aspirations and success of Rocchina Santini in the mainstream of America's restaurant industry does, indeed, portray a great America success story.

In 1968, Rocchina Demasi Santini immigrated to America and opened a restaurant and pizzeria in Nutley, NJ called Santini Brothers. It was an instant success, and which came as no surprise to those who knew Signore Santini's past.

Born in the Little South-Central, Italian town of Alberona Foggia, little Rocchina came from a long line of prestigious restaurant owners and hoteliers. Alberona Foggia is noted for its pure air, and it's surrounding countryside filled with natural foods that have always marked this area with the culinary delights. With the unfortunate death of her parents at the age of 11, little Rocchina learned early the toughness it took to manage the hotel and restaurant left in her name.

It is a tribute to this gritty, yet accommodating woman, that she was able to keep the customers coming in for her delectable meals and appetizers. She remained in Italy, enjoying the fruits of her hard work, and probably would still be in Alberona Foggia if the horrors of World War II had not descended upon all of Italy in the early 1940's.

After moving to Ancona, a small city in the north of Italy in the region known as Le Marche, she acquired a special touch for the preparation of seafood dishes. Always a willing learner, she soon mastered this new cuisine, and opened a restaurant, Capannina, in the Via Flaminia Falconara. There followed a full decade of critical acclaim for her spectacular cooking; Capannina was always filled to capacity with eager tourists and returning locals and each time she introduced a new dish, European critics from all over the continent would flock to her door to try it and write about her latest accomplishment.

In 1968 Rocchina Santini immigrated to the United States and established residence in Brooklyn, NY where she remained with her four children until later that year when she moved to Nutley, NJ. In Nutley, Rocchina opened yet another restaurant, her first in the United States. After 14 years of success in Santini Brothers, Mamma Santini and her children decided to open another restaurant devoted not only to Rocchina's spectacular dishes, but one which would become a landmark of excellent cuisine and entertainment known throughout the New York metropolitan area. The new restaurant, Nutley's Gondola, not only serves her wonderful delights, such as the famous Malafemmina, but is a place for local businessmen and politicians.

Rocchina Santini feeds her patrons with the same kind of attention that she has shown her own children. Because of her devotion to everyone who comes to her for good food and tender care, Rocchina has become Mamma Santini to all who know her.

Mr. Speaker it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. I am sure that there is much to be said for the friendship and goodwill that Rocchina Santini has so willingly and abundantly given over the years that means so much to the lives of many, many people. As we join together in celebration of this wonderful lady, Rocchina Santini, and her accomplishments, I salute her the 1992 Italian Tribune News' Mother of the Year.

HAM OPERATOR LAYTON RUSE PROVIDES VITAL LINK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Layton Ruse for his devotion to helping people through the use of his ham radio. For three decades, Layton Ruse has traveled the world from his radio console, helping folks in trouble, and giving vital information. He has kept communication alive when natural and other disasters have severed normal lines of communication. The Miami Herald profiled his work in the follow article:

You can tell where Layton Ruse lives. His is the house with the 60-foot-tall antennas reaching to the sky to touch the world.

He has good friends he has never met, and yet at times the world beats a path to his door.

Ruse 71, has been a ham radio operator for more than 30 years. Through his call letters, W4VBQ, he has talked to other hams—he won't hazard a guess as to how many—in hundreds of countries, including Russia, Finland, Africa, Burman and China.

"You make a lot of friends, but you nearly never get to meet or see them," he says.

In the specially built garage room at his West Miami home, Ruse has power supplies, antenna controls, a phone patch control and a transceiver for transmitting and receiving calls.

As a ham, a licensed operator of an amateur radio station, he sometimes spends up to four hours a day scanning the radio bands designated for hams by the Federal Communications Commission.

"It's something that just grows on you," said Ruse, who worked for the Dictaphone company for 33 years until he retired at 65.

He gets the most satisfaction as amateur radio coordinator for the National Hurricane Center in Coral Gables, He's in charge of 18 hams who work in shifts and relay information to weather forecasters when hurricanes threaten within 300 miles of a land mass. They pick up weather information from islands, ships and planes.

"Many areas, especially islands, have no other way of communicating or learning of hurricanes except through hams," said Ruse, who has worked with the center for 12 years.

Vivian Jorge, administrative officer at the center, said the hams were a big help when communications were cut.

"They get through, and they'll have information before anybody else," she said. "They definitely perform a valuable service."

One of Ruse's most trying times came during three weeks in September 1965, when an army general in the Dominican Republic rebelled against the government.

"There was rioting, our government lost contact with officials and it relied on amateur radio operators for communications," said Ruse.

His wife, Virginia Mae, his XYL—ex-young lady in ham parlance—is supportive.

"A lot of wives don't like it," says Ruse's wife of 50 years. "But it keeps him out of trouble."

And it gets other people out of trouble, too.

"You help a lot of people," Ruse said, "and probably save a lot of lives

Mr. Speaker, I commend Layton Ruse for turning his hobby into a means of community service. I wish W4VBQ many more years on the air.

MS. MARGARET BROLLY LEONARD RECEIVES MADELEINE A. GARDNER SCHOLARSHIP AWARD

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHEUER. Mr. Speaker, I would like to share with the Congress my sincere pleasure at the selection of Ms. Margaret Brolly Leonard to receive this year's Madeleine A. Gardner Scholarship Award of the Long Island Center for Business and Professional Women.

The award will be presented on May 7 at the center's 13th annual awards dinner.

The award is used to defray the costs of a year of study at a higher education institution. Ms. Leonard will be entering Adelphi's Nursing Doctoral Program in September.

Mr. Speaker, Margaret Leonard is the embodiment of American spirit and determination. Ms. Leonard returned to school in 1980 to study nursing part time while continuing to work full time as a licensed real estate broker. Her husband, Ron, and her wonderful children, Denise and Billy, gave her the support she needed to make her dream of becoming a nurse a reality.

A magna cum laude graduate from Adelphi University's School of Nursing's accelerated baccalaureate/master's degree program, Ms. Leonard is a member of the nursing honor society, Sigma Theta Tau International, and has received several awards for her leadership ability. She serves on a number of committees of the New York State Nurse's Association [NYSNA] and is one of NYSNA's first leadership fellows. In addition, Ms. Leonard proudly coproduces and cohosts a radio program, "Nursing News for the Community."

It is certainly good to know that a woman as talented as Margaret Leonard wants to use her time and energy to care for the health of our Nation's people. Nurses are a critical national resource, and I am sure that she is very valuable to the nursing profession. I know my colleagues join me in saluting her, not just for receiving this prestigious award, but also for the selfless plans she has for her education. For all of Margaret Leonard's hard work, dedication to her family and her future, she deserves not only our congratulations, but our respect as well.

Mr. Speaker, I would also like to congratulate the Long Island Center for Business and Professional Women for this and their many other community services. They work tirelessly to make Long Island a better place to live and work. Special congratulations must go to the scholarship committee. They had an extraordinarily difficult task, but have made an excellent choice.

It is an honor and a privilege to join Margaret Leonard's family, friends, and colleagues in saluting her on this special occasion.

THE RODNEY KING VERDICT—A MISCARRIAGE OF JUSTICE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday April 30, 1992

Mr. DYMALLY. Mr. Speaker, I rise with a sense of sadness and outrage at the latest demonstration of unequal justice which has just come to us from Simi Valley. A predominantly white jury issued a verdict that we have forgotten was regularly issued by all white juries in the days of the Jim Crow South. That such a verdict could have been handed down in 1992 in southern California reminds us that racism is alive and all too well in our society. A jury's fear and hatred of blacks has led them to accept the most outrageous claims of the defense. They believed that the victim, Rodney King, deserved what had happened to him because he, and not his attackers, had it in his power to stop the beating at any time he wanted.

Mr. Speaker, George Orwells 1984 is here in 1992. Just replace newspeak with new sight in which we are told that what we have seen is not reality when it is contradicted by the word of the police. The truth is turned upside down when a black man's evidence in court counts for nothing on the scales of justice when weighed against the denials of white cops.

Since we can not get justice in Simi Valley, I have called upon the Attorney General of the United States to accelerate the Justice Department's investigation in order to bring swift and effective prosecution in the Federal courts against the law officers who so outrageously violated the civil rights of Rodney King.

Mr. Speaker, we cannot afford to let this situation fester. The national government must show now its moral outrage at this terrible miscarriage of justice. We cannot be effective champions of democracy abroad if we tolerate this kind of undemocratic, racist administration of justice at home.

WASHINGTON, DC, *April 30, 1992.*

Hon. WILLIAM P. BARR,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL BARR: I am writing to express my dire concern about the decision in the Rodney King case in California. In view of such strong evidence of outrageous police behavior, I find it impossible to believe that such behavior will go unpunished.

I am, therefore, writing to ask you to intervene on the grounds that Mr. King's civil rights were violated. Because of the explosive nature of this case, I urge you to intervene right away. It is important for the public to know that the U.S. Department of Justice is concerned about the civil rights of all Americans—especially when they are unable to find relief in our criminal court system with such clear evidence of wrongdoing.

If you have any questions, please call me or have your staff call my Staff Counsel, E. Faye Williams at 202/225-1612.

Sincerely,

MERVYN M. DYMALLY
Chairman, Subcommittee on Judiciary and Education, Committee on District of Columbia.

CBC BLASTS LOS ANGELES JURY VERDICT IN KING CASE—OUTRAGED AT TRAVESTY OF JUSTICE

WASHINGTON, DC.—The Chairman of the twenty-six member Congressional Black Caucus, responded with anger and outrage on behalf of the Caucus on learning of the acquittal of the officers charged in the beating of Los Angeles motorist Rodney King. Calling the action a travesty of justice and a blot on the American jurisprudential system, Brooklyn Congressman Ed Towns assailed the decision as a callous disregard for justice and a failure to protect even the most basic human rights. Speaking from the nation's capital, Towns said: "This is an abomination—we have sent a message to the world that America will allow the total abridgement of the freedoms upon which she was founded—and the exacting of prejudice and racism in their most violent and virulent forms. This is a sad day for California—for America—and for people of conscience throughout the world. Apparently, for African Americans, a bloody assault captured on film does not violate this nation's standard of justice". He continued: "I am today requesting, on behalf of the Congressional Black Caucus, the commencing of an immediate investigation by the Civil Rights Division of the Department of Justice of the violation of federal civil rights laws in this case."

TRIBUTE TO MACOMB COUNTY COUNCIL VETERANS OF FOREIGN WARS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BONIOR. Mr. Speaker, tomorrow, May 1, marks a very proud day for all Veterans of Foreign Wars who reside in Michigan's 12th Congressional District, in Michigan and the United States. On this occasion, the Macomb County Council Veterans of Foreign Wars will be observing Loyalty Day with its annual parade.

The Loyalty Day Parade is in recognition of our troops' patriotism and bravery that has preserved American freedom and democracy worldwide.

The Macomb County Council Veterans of Foreign Wars for many years has held a parade in varying locations throughout Macomb County in recognition of this patriotic holiday.

This year Loyalty Day will serve as a prelude to the Vietnam Veterans of America, Region 5 POW/MIA Conference to be held May 2 in the 12th Congressional District. As long as there is a possibility any one of our soldiers is still alive we must do all we can to find them.

In closing, Mr. Speaker, I believe that Loyalty Day has helped to instill in our children a feeling of pride in our country. On this special day, I ask that my colleagues join me in paying tribute to our POW/MIA's, veterans of all wars and the patriotic citizens of our community.

TRIBUTE TO FATHER PAUL MARSZALEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding individual, Father Paul B. Marszalek, the pastor of St. Jane de Chantal Church in Chicago. He will be celebrating his 40th year of priesthood this Sunday, May 3, 1992.

There have been few who have given such extraordinary service to the church and community as Father Marszalek. He began his vocation by attending Five Holy Martyrs and Quigley Preparatory Seminary. In 1945, he entered St. Mary of the Lake Seminary in Mundelein, where he was ordained by the late Samuel Cardinal Stritch in 1952. After serving at the Transfiguration and Assumption Churches, Father Marszalek was appointed to the faculty of the Quigley Seminary South and took up residence at Immaculate Conception Church in South Chicago. Father Marszalek furthered his education earning a master of arts degree in classical languages from the University of Notre Dame. He resided at St. Cyril and Methodius Church in Back of the Yards for 13 years while teaching Latin, Greek, Polish, and religion at Quigley South.

In 1978, Father Marszalek was appointed pastor of St. Jane de Chantal. As a dedicated leader at St. Jane, he established the parish's St. Vincent de Paul Society and senior citizen organization and upgraded the building with the installation of air conditioning. Father Marszalek's initiative continues today as he is involved in setting up a parish pastoral council for the church.

Father Marszalek is compassionate and encouraging to all. His commitment to the church and his community is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to Father Marszalek for his many years of selfless dedication, loyalty, and priceless contributions to his community. I wish him the best of luck in years to come.

PASTOR AGUERO TRANSFORMS OLD THEATER INTO NEW CHURCH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the efforts of Pastor Oscar Aguero in transforming an old movie house, via faith and hard work, into a house of worship. Pastor Aguero along with his wife, Estela, looked at the charred, blackened and rundown building and saw the church that lay under the debris. Four years of work and prayer have given the now thriving church a permanent home. Jesucristo El Todopoderoso (Jesus Christ the All Powerful) has grown over years of struggle from 50 members to over 1,000. This church has demonstrated a strong ministry to teenagers who now comprise a majority of its congregation. This story was recently recounted in the Miami Herald as an example of faith and renewal. That article follows:

NEW CHURCH ATTRACTS TEEN MEMBERS

(By Karla I. Guadamuz)

An abandoned movie theater in Hialeah has been transformed into a church that is attracting teenagers from throughout Northwest Dade.

After holding church services in overcrowded buildings and tents. Oscar Aguero began searching for a permanent home for his church, named Jesucristo El Todopoderoso (Jesus Christ the All Powerful).

Four years ago, Aguero and his wife, Estela, set their sights on the 30-year-old Wometco theater at 463 Hialeah Dr. "I fell in love with the building and knew we could turn it into a beautiful church," said Aguero, the church's pastor.

The work wasn't easy. Parts of the building had been burned and the sticky, black floor needed to be replaced. The dark walls and dim lights made the task seem endless.

With an assist from church members, the Agueros painted the walls with a rainbow of colors and put bright rugs on the floor. Wooden chairs replaced the old ones and the dim lights disappeared.

Since then, the church has grown from 50 members to more than 1,000—the majority teenagers. Pictures of church members and local school children hang outside the church in the old movie display cabinet.

Miami Beach residents Cesar and Mabel Dijkstra heard Aguero on a local radio station and have been going to church ever since.

Roberto Badillo drives from Homestead every Sunday to attend services. "There are many churches in Homestead, but I feel comfortable here." he said.

The church plans to host various activities for the community.

"This is home," Aguero said. "I only hope to continue serving the community and helping those that are looking for a church like ours."

Mr. Speaker, I am pleased to commend the Pastor Aguero, his wife Estela and all members of Jesucristo El Todopoderoso for their inspiring story of faith and dedication. Theirs is a story of renewal, of people as well as buildings, that stands as a model to others.

HONORING AUSTIN & BELL FUNERAL HOME, ONE OF TENNESSEE'S OLDEST COMMERCIAL ESTABLISHMENTS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CLEMENT. Mr. Speaker, I am pleased to recognize today a landmark business in the history of Tennessee.

Before our Nation would add Texas as a State, and while Andrew Jackson was still a national figure, Marion Henry started a business which would become Austin & Bell Funeral Home. It remains a family business 150 years later, and is the oldest family funeral home in Tennessee.

Mr. Henry came to the funeral business in the Turnersville community in 1842 as a sideline to his regular trade as a cabinet maker. In those days, in addition to building furniture, cabinet shops made caskets and buried the dead. Mr. Henry later relocated to the county seat of Springfield, TN and his business flourished.

He was eventually succeeded by his two sons, Joe and W.T. Henry, and the company became widely known for its professional service and stylish livery equipment.

Theirs was one of the few firms to operate with two hearses and two fine teams of horses, one black and one white. One hearse had metal wheels for rough rural roads and the other had rubber wheels to accommodate the smoother paved streets of town.

When the firm was 100 years old in 1942, it merged with another established business, Austin and James Funeral Home, and the partnership relocated to a lovely 19th century dwelling in Springfield, which remains its current location.

Many renovations over the last 50 years have transformed Austin & Bell into one of the most modern and comfortable facilities of its kind in the State. It currently is comprised of 29,000 square feet of operating space and is fully handicapped-accessible.

In spite of the many modern touches, Austin & Bell still maintains its links to the past through such touches as maintaining the 100-year-old coach lights at the entrance which were originally mounted on the Henry & Bell horse-drawn hearse.

Today, the firm is operated by Susie Austin, widow of Tom Austin, and her son Tommy, Carney Bell, and his son, Robert Henry "Bob" Bell, the great-great grandson of Marion Henry. Their staff consists of eight funeral directors and several clerical workers and assistants. Four of the funeral directors are licensed embalmers.

In spite of the many progressive changes instituted over the years, Austin & Bell Funeral Home is still operated by people who believe in the time-honored values of their ancestors who first established the traditions of dignified, caring service and personal attention. These traditions have become the hallmarks of this great company.

Mr. Speaker, I am proud to salute this historic firm that has for so long occupied a respected place in our community.

INTRODUCTION OF HOUSE JOINT RESOLUTION 472, GRANTING THE PRESIDENT LINE-ITEM VETO AUTHORITY

SPEECH OF

HON. CALVIN DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. DOOLEY. Mr. Speaker, today I have introduced House Joint Resolution 472, which proposes an amendment to the Constitution of the United States to grant the President line-item veto authority.

Allowing the President to line out unnecessary expenditures from the Federal budget would require the Chief Executive and Congress to be more accountable for how taxpayer dollars are spent.

The line-item veto is an attack on the kind of pork barrell spending that routinely takes place in the darkened eleventh hour of the appropriations process. Properly exercised, it cuts frivolous spending and puts the executive and legislative branches of government on record about specific expenditures called into question.

Pork barrell spending isn't the sole culprit for our massive Federal budget deficit, but it is an expensive drain on our country's long-term financial vitality.

House Joint Resolution 472 is slightly different from other line-item veto plans currently under consideration in Congress. It would allow the President's line-item rescissions to be overridden with a three-fifths majority vote of the House and Senate, as opposed to the two-thirds majority necessary to override other vetoes.

Under such a system, it would be easier to override a veto of an appropriations item, but not so easy that an override would be commonplace. A President would line out spending considered the most dubious; Congress could override those line-item decisions, but every member would be on record about supporting or opposing itemized spending.

The line-item veto is an idea worthy of serious consideration and would be another step toward fiscal responsibility. I urge my colleagues to support House Joint Resolution 472.

TRIBUTE TO GEORGE J. LISTER ON HIS RETIREMENT AS CHIEF OF THE BELLEVILLE POLICE DEPARTMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROE. Mr. Speaker, on Friday, May 8, 1992 the friends of George J. Lister will host a gala affair in his honor at the Chandelier Restaurant in Belleville, NJ. This tribute will mark the occasion of his retirement as chief of the Belleville Police Department after serving 11 years in that capacity and almost 40 years with the department.

Chief Lister fulfilled a childhood dream in pursuing a career in law enforcement. He followed in the rich tradition established by his grandfather, Officer James Dunn and his uncle, Detective Thomas Dunn, who both served with distinction in the Belleville Police Department. He was inspired to this noble calling through their achievements as will as those of his boyhood neighbor, former Belleville Police Chief Michael Flynn.

Mr. Speaker, a career in law enforcement is extremely rewarding, involving so much more than protecting the citizenry and upholding law and order. It is the policeman who is literally always on duty, anxious to lend assistance whenever that may be necessary. Helping a motorist with a flat tire, a senior citizen crossing the street, or a child who cannot find their parent are just some of the services provided by the men and women who wear the uniform so proudly. It was in this very spirit that George J. Lister upheld the finest traditions of the Belleville Police Department.

George J. Lister joined the Belleville Police Department in November 1952. He worked his way up through the ranks and was appointed chief in 1981. He is also a former past president of the Essex County Police Chief Association.

The good people of Belleville, which lies in the heart of my Eighth Congressional District, will truly miss the outstanding contributions that George J. Lister has made to their community. Through his leadership and guidance, the citizens of Belleville were assured of a strong public safety program.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of George J. Lister, who has contributed so much to the quality of life of his fellow citizens. It gives me great pleasure in joining you to honor this great American for his august service to the town of Belleville.

FIFTY YEARS OF MEMORIES FOR BISCAYNE ELEMENTARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the faculty and students of Biscayne Elementary, past and present, on the occasion of their school's golden anniversary. Now led by principal Carlos Fernandez, Biscayne Elementary has seen dynamic change in the community it serves. This history was recounted by the Miami Herald in the following article:

ANNIVERSARY BRINGS STUDENTS, TEACHERS BACK TO SCHOOL

(By Aaron S. Rubin)

Former students and educators returned to Biscayne Elementary School on Thursday to celebrate the school's 50th anniversary and break ground on a new wing of classrooms.

Mirroring the Miami Beach population, Biscayne has changed in 50 years: From once teaching mainly Jewish students and seasonal visitors, it now serves a predominantly Hispanic, less affluent student body.

The school, 800 77th St., offers English classes for speakers of other languages. It houses four pre-kindergarten programs, including two Head Start portable classrooms, Principal Carlos Fernandez said. And in the past several years, Biscayne has grown from less than 1,000 students to almost 1,200.

Ethel Stratton, a teacher who retired in 1989 after 42 years at Biscayne, had perhaps the best perspective.

"I saw it grow from a very small school," she said, remembering periods when Biscayne rented space in a neighboring synagogue to accommodate students. "Now it has expanded beyond anything in the past."

A $1.7 million construction project will redo school offices and add five new classrooms, a lounge and work room for teachers. But the construction won't take away from the character of the existing school, one official promised.

"There's a real tradition about Biscayne Elementary," said Marvin Weiner, super-

intendent of the school system's second region, which includes Miami Beach. "It is still a beautiful building, and that will never change."

On Thursday, students buried a time capsule and sang and danced for alumni, former teachers and the past principal. The students then crammed into the auditorium, draped in blue and yellow streamers and banners, to celebrate the anniversary.

Former teachers recalled the school's past glories. Prominent in their memories was a six-year period in the 1970s when Biscayne students led Dade County in math test scores.

Former Principal Harriet Glick gave students two homework assignments.

The first: "Grow up to be wonderful, healthy, happy productive citizens.".

The second: Call the school in 48 years and leave a phone number so administrators can be in touch about plans for a 100th anniversary celebration.

"When you're here, give those of us who aren't here a thought," Glick said.

Students said they liked the 50th anniversary celebration.

"You can hear the history about the school. All the old teachers from past history—the '60s—came," said fifth-grader Carlos Aguilera, 11.

Classmate Oscar Castaneda, 10, also enjoyed learning about the school's early days.

"It's nice," he said. "We get to see the teachers who taught here then."

Stratton, the retired teacher, said she savored her time at Biscayne.

"It was fun," she said. "It kept me young."

Mr. Speaker, I congratulate Principal Fernandez and his school for 50 years of service to the community and join with former Principal Harriet Glick in looking forward to the next 50 years.

SALUTING CLARENCE AND PHYLLIS JAMISON ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STOKES. Mr. Speaker, I rise today to recognize two notable members of the Cleveland community, Lt. Col. Clarence C. Jamison (retired) and Mrs. Phyllis Jamison, who are celebrating their golden wedding anniversary on April 30, 1992. On Saturday, May 2, 1992, family and friends will gather at Vernon's on Shaker Square in Cleveland for a grand reception highlighting this momentous occasion. I am proud to salute Lt. Col. and Mrs. Clarence Jamison as they begin this special anniversary celebration. They have shared a lifetime of experiences together and I am proud to note for my colleagues today some of those experiences.

Mr. Speaker, it was in January 1941 that the War Department announced the formation of the 99th Pursuit Squadron, a black flying unit, to be trained at Tuskegee, AL. Lt. Col. Clarence Jamison, who was reared in the Cleveland area, completed his flight training at Tuskeegee Airfield and became one of the first African-American pilots to be commissioned in the Army Air Corps.

The Tuskegee Flyers or Lonely Eagles, as they called themselves, became a respected group of fighter pilots, proving to the world that blacks could fly in combat with the best of pilots from any nation. They began as the 99th Pursuit Squadron and later became the 99th Fighter Squadron.

As an original member of the 99th Pursuit Squadron, Lieutenant Colonel Jamison flew combat missions over North Africa and Italy during World War II. I am proud to report that as the bomber escort group that protected American bombers on their missions deep into Europe, the 99th Squadron never lost a bomber to enemy fighters. It was the 99th Pursuit Squadron that also helped to pave the way for other black Air Corps units, including fighter, bomber and composite squadrons and groups.

During his distinguished military career, Jamison not only helped to dispel the myth that African-Americans were not qualified to fly military aircraft, but he assisted in the integration of Air Force bases around the country. He served his country with distinction and is the recipient of numerous awards and honors for his military accomplishments.

Following his military career, Lieutenant Col. Jamison returned to the Cleveland community. He continued his career in public service with the Social Security Administration, retiring in 1986 as manager of the University Circle Office.

Mr. Speaker, Mrs. Phyllis Jamison traveled with her husband on all noncombat military assignments through the United States and the World. She played an active role in the Officer Wives Club and often, as the wife of the senior black officer, she helped other African-American wives adjust to military life.

Mrs. Jamison also enjoyed a career as a teacher and successfully earned her master's degree. During his career, she held teaching positions in Massachusetts and Michigan. She also served as a junior high school teacher and guidance counselor in the Cleveland Public schools for nearly 20 years.

Both Lieutenant Colonel Jamison and his wife have been strong and positive role models for their family. They are proud parents of two children, Michal J. Offutt of El Cerrito, CA, and Clarence Jamison, Jr., of Wilmington, DE. They are also the proud grandparents of four children.

Mr. Speaker, I am proud of my association with the Jamison family. I take this opportunity to extend my best wishes to Lt. Col. and Mrs. Clarence Jamison as they mark their golden wedding anniversary. They have much to celebrate and I wish them a lifetime of continued happiness and success.

THE LONG ISLAND CENTER FOR BUSINESS AND PROFESSIONAL WOMEN HONORS SEVEN OUTSTANDING CITIZENS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHEUER. Mr. Speaker, there is an organization in my district of Nassau County, NY, which is opening doors for women in the business world. The Long Island Center for Business and Professional Women provides a much-needed resource for these aspiring entrepreneurs. On May 7, this group is holding its 13th Annual Achievers' Awards dinner honoring seven outstanding citizens from Long Island. I would like to pay tribute to these women, and to the center itself.

The 1992 honorees have displayed distinction in a variety of fields. The award for excellence in business goes to Robin Cohen, a senior vice president and division head in charge of real estate lending at EAB. In education, Patricia Hill Williams in honored for her work as an educational administrator at the State University of New York, College of Technology at Farmingdale. Joan Gittleson, who manages her own financial planning firm, Joan Gittelson Consultants, is cited as entrepreneur of the year. In medicine, the honoree is Cathleen L. Raggio for her work as the head of the pediatric orthopaedic spine section at Long Island Jewish Medical Center. In law, Beryl San Blauston is honored, a tenured law professor at the City University of New York [CUNY] Law School at Queens College. The award for community service excellence goes to Suzy Dalton Sonenberg, the executive director of the Long Island Community Foundation.

These honorees reflect the increasing numbers of women who have earned distinction in the professional world. Unfortunately, women still encounter obstacles which can hinder their professional development, particularly at the management level. The Long Island Center for Business and Professional Women is important because it helps women break through these barriers. We should congratulate the center, and these distinguished women, for a job well done.

BOLD LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MAZZOLI. Mr. Speaker, I submit for the attention of our colleagues an editorial from the Christian Science Monitor which details how Louisville and Jefferson County are addressing two of the Nation's toughest social and economic issues: school desegregation and economic development.

Under the leadership of Louisville Mayor Jerry Abramson, and Jefferson County Judge Dave Armstrong, Louisville and Jefferson County have used the Federal Urban Enterprise Zone Tax Credit to draw industry to Jefferson County. I believe that the Urban Enterprise Zone Tax Credit is a very worthwhile proposal and hope that it will be passed, either on its own, or as part of another tax package, during this Congress.

[From the Christian Science Monitor, Apr. 7, 1992]

BOLD LOUISVILLE

Like many other American cities, Louisville, Ky., has been grappling with two of the nation's most perplexing challenges: school desegregation and economic decline.

Though their basic problems are much alike, few other cities appear to have en-

joyed the degree of success achieved by the Kentucky metropolis.

Neal Pierce, veteran chronicler of America's cities and states, calls it "a thought-provoking model for cities and regions whose leaders feel as if they've slipped their moorings and lost control * * *."

Consider school desegregation and its notorious companion, busing: More than a decade after a federal court order merged the mostly white Jefferson County school system with Louisville's majority-black city schools, the county is embarking on a new venture aimed at deemphasizing busing of elementary school children but maintaining a policy of having no school with less than 15 percent or more than 50 percent black students.

One apparent reason for optimism on the part of Superintendent Donald Ingwerson and his staff is that, in the last decade, some 16,000 black families have moved to the suburbs, an unprecedented migration.

Dr. Ingwerson has been named 1992 Superintendent of the Year by the American Association of School Administrators.

Another key facet of the Louisville-Jefferson County success story is imaginative use of the Federal Urban Enterprise Zone program to help revitalize the county's industrial sector. It has been charged that federal requirements were violated by going outside the inner city. But admirers say it is innovative—and it works.

The story is not over, and no one is claiming that the Louisville-Jefferson County area has solved all its social and economic problems. But the combination of bold leadership and willingness to assay innovative initiatives can still result in success.

DAYS OF REMEMBRANCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GREEN of New York. Mr. Speaker, I am pleased to share the remarks of my friend, Benjamin Meed, chairman of the Days of Remembrance and member of the U.S. Holocaust Memorial Council, at today's Days of Remembrance national civic ceremony. In addition to Mr. Meed's opening remarks, it is my hope that you will appreciate his touching introductory comments to welcome poet Czeslaw Milosz.

REMARKS BY BENJAMIN MEED, CHAIRMAN, DAYS OF REMEMBRANCE

Distinguished guests, once again we have come together in this Hall of Democracy to remember; to stand together in tribute to the memory of the 6 million Jews and millions of others who were murdered in the Holocaust; to recall the heroic ghetto fighters and resisters; and to honor the liberators and rescuers.

We meet at a time of great changes. From Johannesburg to Saint Petersburg, there is a new sense of freedom. From Berlin to Vladivostok, the physical and psychological walls dividing peoples have fallen. There is also hope for peace in the Middle East.

But, if there is reason for optimism, there is also reason for deep concern. Blind nationalism, antisemitism, and new forms of Nazism are gathering forces across Europe, and even here in the United States. It is more critical than ever to remember the Holocaust and to draw upon its vital lessons.

We, the Holocaust generation, share our trauma, not to divide, but to unite. We remind the world of the human capacity for evil, not to dwell on darkness, but to energize the struggle to overcome it.

We are grateful that many people have joined with us in this promise never to forget; the promise to remember the millions who were murdered out of senseless hatred. And to remember them as individuals—each with a name, a mind, and a sacred soul. The most recent expression of this commitment to remember was in Argentina, and to the people of Argentina and their President, we say thank you with all our hearts.

As we meet here in this great Hall today, we survivors recall the world as it was fifty years ago, in 1942. It was the year when the Wannsee Conference was called to coordinate the elimination of all the Jews of Europe—the "final solution." It was the year when millions were murdered in the killing centers of Auschwitz-Birkenau, Treblinka, Madjanek, Belzec, Sobibor—and in so many others. It was the year when the Jewish children of Lodz were gassed and murdered at Chelmno. And it was the year when the free world received irrefutable evidence of the extermination program—and did nothing to stop it.

We remember that the murderers were small in number; the victims, many, many more; but the bystanders were the largest group of all. They saw, and did not act; they witnessed, and did not protest. The cost of such silence, such indifference, is beyond measure.

If the greatest weapon in the endless battle for human decency is vigilance, our greatest ally is education. Today, a powerful documentation and educational center is rising only a few blocks away. In 358 days, the United States Holocaust Memorial Museum will open its doors to the public. As the winds of change continue to sweep the world, let this institution stand, not only as a warning beacon against the perils of hatred and prejudice, but also, as a brilliant light of hope for humankind, a symbol of learning and remembrance for all generations to come.

Thank you.

INTRODUCTION OF CZESLAW MILOSZ

It was a Sunday morning in the Spring of 1943. I stood with many others in Krasinski Square, on the "Aryan" side of Warsaw, only a few hundred feet from the wall of the Jewish ghetto. I had just come out of church, a requirement for my assumed identity. I watched a carousel in the Square turn round and round, carrying riders who were laughing and singing along with the music. But my heart was breaking. For before my eyes, the entire Warsaw ghetto was in flames. My friends, my comrades were being rounded up and murdered. The music blurred the sound of rifle shots and explosions, but nothing could mask the smoke rising from burning buildings behind the ghetto wall.

I thought I was alone in my sorrow. But there was another young man watching these events, a young man who did not share my heritage, but who did share my outrage and despair.

Our eyes may have met on that day, or maybe not. Only by reading of poem many years later his presence in that place and at that time was made known to me.

Since those terrible days in Warsaw, the world has recognized this young man as a gifted author and champion of the human spirit. In 1980, he received the Nobel Prize in Literature.

And, today, in our beloved new homeland, the United States, our lives at last have touched directly.

Ladies and gentlemen, it is my honor to introduce to you, the great poet, Czeslaw Milosz.

AMERICANS WITH DISABILITIES ACT, IT'S THE LAW

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. THOMAS of Georgia. Mr. Speaker, as all of my colleagues know, we are blessed in this institution with a cadre of hard-working, underpaid staff assistants who we lean upon and depend upon. They do much of the work in the trenches of public service, while we get most of the credit.

Recently, when I was unable to accept the invitation of an important group in Savannah because of the congressional sessions, I asked my legislative counsel, Mr. Percy Williams, to go in my stead. The sponsors of the event were the National Federation of the Blind, the Savannah Association for the Blind, the City of Savannah, and the Living Independently is For Everyone Organization.

At my request, Percy authored remarks of his own choosing on the subject, "Americans with Disabilities Act, It's the Law."

Because of the power of Percy's message, I strongly commend it to the attention of all of my colleagues in the House:

REMARKS OF ATTORNEY PERCY WILLIAMS

I deeply appreciate the opportunity to speak with you. I believe that it is truly a rare and fortunate confluence of time and circumstance that brings me before a handsome audience such as this, on an auspicious occasion like the one we are here to celebrate.

Thank you Judy Winters for talking with me and allowing me to come speak with you. Thank you Lindsay Thomas for your willingness to unchain me from my desk and for letting me come to this beautiful city.

It's good to be back home.

A wise teacher once told a story about a man that went to his neighbor at midnight. His neighbor did not want to be roused from his bed, but because of the persistent knocking the neighbor got up and answered the call.

Another famous individual took up this story, and although the story relates to prayer, he related midnight to the times in which we live.

Midnight is the time in which everything loses its distinctiveness. There is no black and white—only subtle shades of gray.

It seems that in today's world, we are in a midnight existence. We have taken Einstein's theory of relativity, and applied it to our moral and social order. No right or wrong, no sense of striving, no collective desire to do better.

As a result, when great aspirations are conceived, they are immediately subjected to a bottom-line analysis. And there it stops. Our dreams are deferred and our ideas intimidated.

That is the key word here, "intimidation."

Intimidation was a reality that profoundly influenced my life.

I grew up in Orangeburg, South Carolina. My parents were college teachers at South Carolina State, at that time the only state-supported African-American institution in South Carolina.

The college was doing well in the early 1960's, in part, because of the State's desire to enforce its separate but equal policy.

About that time, there were a number of black students that wanted to go to law school. The only law school in the State was at University of South Carolina.

Eager to keep blacks out of the University, the State legislature created a law school at South Carolina State. That's called intimidation.

Frederick Douglas once said "Power makes no concession without demand."

The students were incensed at the treatment they were receiving. So they organized a boycott, demanding the rights of access they saw guaranteed in the Constitution.

The city's businesses, though not understanding the aspirations of a group shut out of mainstream society, understood a boycott. You see, this affected their bottom line.

They demanded that state and local police forces do something about it.

About this time, several students went to a bowling alley next to campus. They were turned away because of their color.

Students demonstrated, and the police were sent in. My grandmother, Mrs. Harriet Stone, visiting from Savannah, noted to my mother that we had "protection" ringing the campus.

Everyone in my household knew what that meant. There was a difference between "protectors" and "protection." The key word is intimidation.

Students continued demonstrating on the grounds of the campus. A confrontation ensued, and the highway patrol opened fire.

This all happened in February, 1968. My brother and sister were in high school during this time. On the night that the shooting took place, my brother, Russell, had been in town with the high school choir. He made it home safely. Some others did not.

Three students were killed. Many others were wounded. At the hospital, doctors removed bullets from injured students. It has been reported that some of them had bullets in the bottoms of their feet.

They had been running away when they were shot.

That summer, we moved to Savannah. I got here just in time for busing.

The key word is "integration."

In April of 1968, Dr. Martin Luther King was shot. He had been trying to get people a seat on the bus. Oh, it was okay to have folks on the bus, just keep them "separate but equal."

After his death, the question was posed, "At what cost integration?"

This time, the bottom line was being examined not in dollars and cents, but in guns and bullets, in assaults and assassinations, in life and death.

If all integration meant was trading life for a seat on the bus, the cost was too high.

But more was at stake. Inherent in the fight for access, was the struggle for freedom. Freedom of association and the bill of rights do not have a price tag. The fight for access is the battle for what is truly American.

That's what makes the ADA right. It is not the "Act," the fact that this has become the law of the land. It is not the "Disability," the fact that those who seek access have already overcome barrier after barrier to participate in the life we take for granted. It is the "American."

It is American to open up your business so that all can patronize it. It is American for the doors of economic opportunity to be opened to all people. It is American for folks to be able to ride on the bus.

Dr. King knew it. And the cost was not too high. The students at South Carolina State knew it, and the cost was not too high.

If Frederick Douglas were here, he would be amazed. I would turn to him and tell him, "We got the ADA, and not a shot was fired."

Lastly, let me say that it has been a delight to work with Congressman Thomas. Those of you who don't know him, you are missing out.

He will be stepping down at the end of the year. So I don't say these things so that I will get a job promotion next year. He won't be in Congress.

But I did want to close by giving you some idea of the issues we will be working on in this final year. The key word is "information."

The first is H. Res. 272, a resolution to call on the film industry to work to develop technology to make films accessible to the hearing impaired.

We will also be looking at President Bush's move to suspend the writing of all regulations for 90 days, and we are keeping an eye on Congressional action on the Equal Remedies Act of 1991, which would address the damages applicable against all those who intentionally discriminate against Americans.

As an attorney, I am particularly interested in Barrier Awareness Day, a proclamation introduced by Congressman Taylor of North Carolina, and supported by one of the largest legal fraternities.

You may be aware of the Disabled Homebuyer's Help Act of 1992. Passage of this bill would mean that totally disabled taxpayers who have to move for medical reasons would have an exclusion from taxation on the gain that they realize on the sale of their homes.

I mention these as information, because although the ADA represents a watershed, it is not a plateau. It is not a "we have arrived bill."

It is a skeletal framework. Only you can make the dry bones of this bill live by fleshing out your committment to ensuring that the rights of all Americans take precedence in your understanding, in your businesses, and in your lives.

Thank you Judy Winters for having me and may God bless you in all of your endeavors.

SISTER DOROTHY ANN KELLY HONORED FOR 20 YEARS OF SERVICE AT THE COLLEGE OF NEW ROCHELLE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to an extraordinary educational leader. As president of the College of New Rochelle for 20 years, Sister Dorothy Ann Kelly has worked tirelessly for the students of that fine institution and the community at large.

I know I join many others in honoring this remarkable woman who began at the college as a student, receiving her bachelor's degree in 1951. She received a master's degree from the Catholic University and a doctorate from Notre Dame University. Sister Dorothy Ann Kelly has enriched the lives of the students who have been fortunate to attend the College of New Rochelle. She has brought dedication, commitment, and vision to the college, and in doing so inspired thousands of individuals to pursue academic excellence and to commit themselves to achieve their full potential.

At a time when there is so much talk about our Nation's crisis in education, people like Sister Dorothy Ann give us reason for hope. She is, indeed, a leader in the development of sound educational policies for our Nation. I have been fortunate to have had the benefit of her immense reservoir of knowledge as she has been a close and trusted advisor. Indeed, her guidance has been instrumental in my pursuit of a number of important initiatives through the House Education and Labor Committee.

But while we celebrate her 20 years as president of the College of New Rochelle, we know that her leadership and dedication extend far beyond that campus. She has served on the board of directors of the New Rochelle Community Fund, the Ursuline School in New Rochelle, and the New Rochelle Hospital. Sister Dorothy Ann has become a national leader in the field of higher education, serving as a trustee of the Catholic University, a director of the American Council on Education, and on the executive committee of the Teachers Insurance and Annuity Association of America. In addition, she has been the chairperson of the National Association of Independent Colleges and Universities, and board member of the National Conference of Christians and Jews. Through all of these organizations, Sister Dorothy Ann Kelly's expertise and skills have benefited many throughout our community and this Nation.

I am pleased to have this opportunity to join others in recognizing Sister Dorothy Ann for her commitment to improving education and to serving our society at large. I know that she has dedicated herself to our young people, working tirelessly to improve opportunities to permit them to fulfill their potential. Our Nation faces critical decisions about our future and our competitiveness in the years ahead, and we will need innovative, energetic leaders like Sister Dorothy Ann Kelly to guide us.

Mr. Speaker, we salute Sister Dorothy Ann for the strength of her convictions and the wealth of her abilities. I know my colleagues join me in thanking her for her two decades of service to the College of New Rochelle and wishing her the best as she continues to serve the college and the community.

THE SANTA MARIA AIRPORT GOLDEN ANNIVERSARY CELEBRATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LAGOMARSINO. Mr. Speaker, today I rise in recognition of a facility in my congressional district that has not only helped me in all my years of service to Santa Barbara County, but has been an important part of the Santa Maria community for five decades. The Santa Maria airport will celebrate 50 years of service to the area on the weekend of May 15–17.

The airport's role over the years has been unique. It is, in a way, a focal point of the community's mystique: globally accessible, yet purposefully small. In this time of rapid change, it serves as an historic anchor in this family-based, American community.

The Santa Maria airport serves local businesses by providing access for overnight mail service; it aids health care facilities with rapid transport for both patients and medical supplies; and it plays a key role in national defense and law enforcement efforts in the area. There is no doubt about the importance of the airport to the surrounding community, and Santa Maria plans a golden anniversary celebration to commemorate the occasion.

For 18 years now, I have been commuting almost weekly between the district and Washington, DC, keeping in touch with my constituents' views. The Santa Maria airport has been a mainstay of my travel itinerary through the years, and I have always been pleased with the service they provide. I urge my colleagues to join me in wishing a successful celebration for the airport's first 50 years, with many more years of service to come.

FINANCIAL STATEMENT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday April 30, 1992

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1992, a matter of public record. I have filed similar statements for each of the 13 preceding years I have served in the Congress:

Assets—Real property:	
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $619,400.00) Ratio of assessed to market value: 100 percent. (Encumbered)	$619,400.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	78,700.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $294,900. (Unencumbered)	167,556,81
Total real property	865,656.81

1992 DISCLOSURE

Common and preferred stock	No. of shares	Per share	Value
Firstar Corp	338	$49.88	$16,857.75
American Telephone & Telegraph	483,354	40.75	19,696.68
American Information Technologies	155,144	56.50	8,765.64
Bell Atlantic Corp	203,564	41.50	8,447.91
Bell South Corp	231,288	45.00	10,407.96
NYNEX, Inc	106,592	71.13	7,581.36
Pacific Telesis, Inc	148	38.13	5,642.50
Southwest Bell, Inc	159,079	57.50	9,147.04
U.S. West, Inc	211,121	34.13	7,204.50
Tenneco Corp	689,576	38.88	26,807.27
Newell Corp	838	45.13	37,814.75

1992 DISCLOSURE—Continued

Common and preferred stock	No. of shares	Per share	Value
General Mills, Inc	1,440	65.25	93,960.00
Kellogg Corp	1,600	57.63	92,200.00
Dunn & Bradstreet, Inc	2,000	56.13	112,250.00
Halliburton Company	1,000	23.00	23,000.00
Kimberly-Clark Corp	34,952	53.13	1,856,825.00
Minnesota Mining & Manufacturing	500	88.75	44,375.00
Exxon Corp	2,132	54.75	116,727.00
Amoco Corp	1,162	42.88	49,820.75
Eastman Kodak	1,080	40.63	43,875.00
General Electric Co	1,075	75.75	81,431.25
General Motors Corp	408	36.63	14,943.00
Merck & Co., Inc	5,213	147.13	766,962.63
Warner Lambert Co	952	63.75	60,690.00
Sears Roebuck & Co	200	44.88	8,975.00
Ogden Corp	910	22.38	20,361.25
International Business Machines, Inc	418	83.50	34,903.00
Sandusky Voting Trust	26	123.00	3,198.00
Monsanto Corporation	1,422	64.50	91,719.00
E.I. DuPont de Nemours Corp	450	47.63	21,431.25
Wisconsin Energy Corp	512	37.00	18,944.00
Abbott Laboratories, Inc	1,800	61.00	109,800.00
Bank One Corp	1,551	46.38	71,927.63
Unisys, Inc. Preferred	100	28.13	2,812.50
Benton County Mining Company	333		
Total common and preferred stocks			3,899,504.60

Life insurance polices	Face	Surrender
Northwestern Mutual No. 4378000	$12,000.00	$22,451.85
Northwestern Mutual No. 4574061	30,000.00	53,598.62
Massachusetts Mutual No. 4116575	10,000.00	4,777.61
Massachusetts Mutual No. 4228344	100,000.00	94,588.63
Old Line Life Ins. No. 5–1607059L	175,000.00	17,968.20
Total life insurance policies		193,384.91

Bank and savings and loan accounts	Account No.	Balance
Bank One, Milwaukee, N.A., checking account	0046–2366	$2,718.96
Bank One, Milwaukee, N.A., preferred savings	4158–8070	31,035.61
Bank One, Milwaukee, N.A., regular savings	497–525	675.73
Valley Bank, N.A., Hartland, WI, checking account	03056664–05	1,455.35
Valley Bank, N.A., Hartland, WI, savings	03056544–11	560.86
Burke & Herbert Bank, Alexandria, VA, checking account	601–301–5	1,555.09
Federated Bank, FSB, Butler, WI, IRA accounts		36,636.29
Total bank and savings and loan accounts		74,637.89

1992 disclosure

Miscellaneous:	Value
	Value
1985 Pontiac 6000 automobile—blue book retail value	$2,976.00
1991 Buick Century automobile—blue book retail value	11,600.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	125,000.00
Stamp collection (estimated)	32,000.00
Interest in Wisconsin retirement fund	41,260.84
Deposits in Congressional Retirement Fund	69,253.43
Deposits in Federal Thrift Savings Plan	31,278.13
Traveller's checks	6,350.00
20 ft. Manitou pontoon boat & 35 hp Force outboard motor (estmated)	5,200.00
Total miscellaneous	325,918.40
Total assets	5,359,102.61
Liabilities:	
Sovran Mortgage Company, Richmond, VA, on Alexandria, VA residence, loan No. 564377	175,282.66
Miscellaneous charge accounts (estimated)	2,000.00
Total liabilities	177,282.66
Net worth	5,181,819.95
Statement of 1991 taxes paid:	
Federal income tax	54,039.00
Wisconsin income tax	17,074.00
Menomonee Falls, WI property tax	2,078.64
Chenequa, WI property tax	8,066.94
Alexandria, VA property tax	6,811.31

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trusts. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of our sons and also are custodians of accounts established for the benefit of each son under the uniform Gifts to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, JR.
Member of Congress.

STEELE REEDER HELPS SOUTH FLORIDA'S INTERNATIONAL COMMERCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Mr. Steele Reeder, president of Florida Customs Brokers & Forwarders Association. In an increasingly integrated global economy, the well-being and livelihoods are dependent on the smooth and efficient transit of goods across national boundaries. Mr. Reeder's family has been helping international commerce into south Florida for over a half a century. A recent article in International Business Chronicle highlighted the scope and importance of Mr. Reeder's work in an article entitled "Steele Reeder: Smoothing the way." The article reads as follows:

Steele Reeder, president of the Florida Customs Brokers & Forwarders Association Inc., is faithful to his family's pioneering spirit.

Long before this town awakened to its role as the gateway of the Americas, his father

founded a business that went beyond domestic interests. In 1940, Howard S. Reeder started a custom-brokerage service as an added service to his stevedoring company. His business, only the second of its kind in Miami, was located in the building presently known as the Freedom Tower. The Port of Miami was just across the street.

When Steele started working in his father's company in 1962, his father had long discarded the stevedoring business and was totally focused on being a customhouse broker and international freight forwarder.

"We were possibly five employees, and I was handling the outside work, which I suppose made me a messenger," says Steele Reeder, now the president of Howard S. Reeder, Inc.

The senior Reeder, who'd come to Miami in the early 1900s from Tennessee, died about five years ago, some years after retiring and leaving Steele and his brother in charge of the company.

"My father was a patient and understanding individual, and I found it very easy to learn the business," says Reeder. "The Customs Service at that point was very instructive, and had the means and the time to answer questions I learned on the job."

Howard S. Reeder, Inc., is the most reputable custom-brokerage business in south Florida, says Alberto J. Marino president of Almar International, custom brokers and international freight forwarders, in Miami.

Speaking of Reeder's involvement in the customs-brokers association. Marino says, "Steele is a very dedicated man to this industry. Every time we have a problem with U.S. Customs, he will bring it up with them and get it solved for the benefit of everyone concerned. He gets things done."

Reeder's main business is handling entry documents for perishable goods shipped into the United States from all over the world, through ports and airports in Miami, Ft. Lauderdale, West Palm Beach, Tampa and Key West.

The company also does considerable business handling entries for pleasure boats imported into the United States. And this, Reeder's favorite part of the business, takes him to ports all over the country.

"You have to physically go to where the boat is to make the entries. Dealing with a man and his yacht is different from dealing with his business. This is his toy and he doesn't want any delay or problems," says Reeder, who is himself an avid yachtsman.

Tremendous values are involved in these entries through Customs. The $21 million Destiny, made by Feadship in Holland, was the most expensive yacht Reeder has ever handled. Among other famous boats he's helped bring in is Malcom Forbes' yacht The Highlander.

"There's a lot more to entering a yacht than entering a load of shrimp," Reeder says.

Not that perishable goods require less attention. It's a 24-hour, seven day-a-week job. "We have people on duty around the clock," Reeder says. "When the cargo comes by air, it has to be released immediately because it's not frozen."

Howard S. Reeder's main office is still near the port, a few blocks away from its original site. A second office is located at the Miami International Airport.

Reeder still believes in keeping his company a family business, even though it's grown considerably and now hires about 30 people. "We offer that personal service that's becoming unique in this day and age," Reeder says. "We think it's a successful formula and we continue to grow."

Last year the company recorded close to $2 million in sales. Customhouse brokerage charges are made on a fee basis, the amount depending on the complexity of the transaction and how many federal agencies are involved in the inspection of the merchandise. Freight-forwarding services, which handle the transportation in or out of the country, are based on commission.

During the first quarter of fiscal year 1992, the company doubled the growth it experienced during the same period last year, Reeder says. "When you consider that our growth rate has continued through the years, even during the recession we are going through, you've got to attribute that to the tremendous opportunities found in international trade in Florida.

"International trade is what has kept Florida financially up in spite of the loss of PanAm, Southeast Bank and others," he adds. "Florida would be crippled if you took international trade out of our economy."

Gilbert Lee Sandler, a partner with the Sandler, Travis & Rosenberg law firm in Miami says, "Steele has been at the forefront of identifying any impediment to the flow of international trade in Florida He's managed to cure a lot of problems with imagination, hard work and a good sense of humor."

For two consecutive years, Reeder has been president of the 250-member Florida Customs Brokers & Forwarders Association, Inc., in Miami. As such he sits on an advisory group to the Florida International Affairs Commission, which decides which organizations should receive the annual budget funds.

He also serves on the Greater Miami Chamber of Commerce International Cargo Committee and the Dade County International Affairs Commission, a county-level liaison with FIAC.

The Florida Customs Brokers & Forwarders Association was founded in 1960 to deal more efficiently, as a group, with Customs. "We can give Customs an insight into the needs and demands of the public." Reeder says "and create more of a partnership between government and the community."

D. Lynn Gordon, District Director, U.S. Customs Service, Miami District, says Reeder keeps on top of Customs regulations. "But what's really important is that Steele is the major factor in developing a partnership between the Florida customs brokers and the Customs Service in Miami. There's no reason for us to be adversaries or to cause each other problems. The greatest thing is that we have a truly supportive and genuine relationship by which we can resolve issues very quickly and effectively."

Less than 10-percent of the total imports in the United States are handled by the importers themselves, Reeder says. The process of clearing cargo through Customs has become more complex and complicated as time goes by, and now the environment has become fully automated.

Mr. Speaker, I commend Mr. Steele Reeder for helping to build the economy of south Florida and the Nation and for bringing "* * * imagination, hard work and a good sense of humor" to all that he does.

59-059 O—96 Vol. 138 (Pt. 7) 44

TRIBUTE TO THE CARE ASSURANCE SYSTEM FOR THE AGING AND HOMEBOUND

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most deserving tribute to the Care Assurance System for the Aging and Homebound [CASA] of Huntsville, AL.

CASA is a 1992 recipient of the President's Annual Points of Light Awards. This outstanding community service organization, truly represents the spirit of volunteering and giving that has made American communities and neighborhoods great.

Established in 1987, CASA has provided volunteer assistance to thousands of homebound and elderly persons so that they could live more independent lives and avoid premature institutionalization. Volunteers provide transportation, shop for groceries, assist with household chores, and make minor home repairs.

During 1991, more than 3,100 volunteers contributed 900,000 hours, providing over 1,400,000 units of service to 4,655 people. CASA is a vital community service that serves as a lifeline to many elderly citizens.

The volunteers of this fine organization are to be commended. As CASA's congressional Representative, I am most proud of their efforts to help our elders in Huntsville and Madison County. They are the pulse of our community.

SALUTING ESSEX COUNTY'S TRICENTENNIAL

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BATEMAN. Mr. Speaker, 300 years ago, the Colonial Assembly in Jamestown, VA, found it necessary to create smaller, and therefore more manageable, localities because of the popularity and growth of the colony. To this end, the assembly passed an act dividing Rappahannock County, located on the northern neck along the Rappahannock River, and established the county of Essex. As the representative of this tranquil area, I am honored to recognize its tricentennial celebrations which are set to begin Saturday, May 2, 1992.

Located just 100 miles south of the Nation's Capital, Essex County is a symbol of the birth and growth of our great Nation. Originally frontier land, the county's rich history began with explorations by Capt. John Smith, who visited the area and named it Rappahannock after the Indian worlds "rise and fall of the water."

Early Americans were able to take advantage of the area's rich resources and begin to build a new nation. Today, Essex County continues to provide opportunity and strong sense of community. Agriculture, water-related industry and small-town habits remain the way of life, yet manufacturing and other industry play a role in development.

Essex County's inhabitants maintain a strong sense of history and dedication to the area. Many families have lived there for generations. It is refreshing to know that places still exist where traditional values and neighborly ideals remain an important part of the ethic of the community.

The long heritage of Essex County will be rightfully acknowledged and celebrated in a series of events planned to mark the 300th anniversary of its establishment. I am truly proud to represent an area so rich in tradition and old-fashioned values.

THE JOB TRAINING 2000 ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GOODLING. Mr. Speaker, today my distinguished colleague from Illinois, Mr. MICHEL, my distinguished colleague from Wisconsin, Mr. GUNDERSON, and I, are introducing, by request, the Job Training 2000 Act, a bill proposed by the administration for improving the capability of this country's employment training and vocational education system. I wish to commend the President for his leadership in bringing forth this legislation.

The purpose of this bill is to address problems related to our evolving American work force, a work force which will increasingly require significant investment in human capital, as well as reform in our national human resource investment policies and practices. If the United States hopes to remain a competitive world leader, we are dependent on a well-trained, educated, and well-equipped work force.

The bill makes changes in policy at the Federal, State, and local level. First, it establishes a Federal Vocational Training Council of Federal agency heads to oversee the implementation of this law and promote consistent policies and information exchange among Federal employment training and vocational education programs. The bill with the oversight of the State, first, establishes a network of local skill centers to provide a common point of entry for individuals to vocational training programs and thereby improve access, minimize duplication, and enhance the effectiveness of such programs, second, establishes a system for certification of vocational training programs, and third, provides increased business involvement in vocational education programs by increasing the opportunities of program participants and thereby improving the quality of the training.

While I have reservations about some of the proposed approaches envisioned by this bill, particularly those changes to the postsecondary vocational education programs, I do support strongly the goals set forth of coordinating the education and training system, encouraging greater and more effective private sector involvement, simplifying program services, decentralizing decisionmaking, creating a flexible delivery structure, and ensuring high standards of accountability.

I hope you will join me in working with the administration in meeting these goals.

INTRODUCTION OF THE JOB TRAINING 2000 ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GUNDERSON. Mr. Speaker, I am pleased to join with my distinguished colleague from Pennsylvania, Mr. GOODLING, and with our distinguished minority leader, Mr. MICHEL, in introducing the Job Training 2000 Act at the request of the President. There are few more important issues before us today than determining the education and training needs of our country. I commend President Bush for taking the lead in putting together this innovative legislation that has the goal of revising our U.S. job training system to meet the needs of the 21st century work force. I am honored that I have been asked to join with my colleagues in introducing this bill on his behalf.

Basically, there are four key principles which underlie the Job Training 2000 Act. First, the proposal is designed to simplify and coordinate services for individuals seeking vocational training or information relating to such training. Second, it would decentralize decisionmaking and create a flexible service delivery structure for public programs that reflects local labor market conditions. Third, it would ensure high standards of quality and accountability for federally funded vocational training programs. And fourth, it would encourage greater and more effective private sector involvement in the development and implementation of vocational training programs.

Under our current Federal vocational and job training system in the United States, we have 60 training programs receiving Federal support, administered by seven different Federal agencies, at a cost of $18 billion per year. Under this system, services are disjointed and duplicative in many instances. Local providers are unable to provide individuals in need of services with sufficient access to information on program quality, job opportunities, or even the range of services available. Eligible populations overlap, and businesses, the ultimate consumers of education and employment training programs, have only limited involvement with the system. Therefore the ultimate goal of this legislation, that of providing a more comprehensive, coordinated, accountable, and easily utilized system, is a good and necessary one.

At the heart of Job Training 2000, is the establishment of a network of local skill centers to provide one-stop shopping or single points of entry for individuals in need of vocational and job training services. These centers would provide students, job seekers, workers, and employers with needed information about the local labor market, training and vocational education programs, and related support services. Under the proposal, skill centers would coordinate local delivery of more than $12 billion in vocational and job training services currently provided through a range of programs including the Job Training Partnership Act [JTPA], Job Corps, the Employment Service, Veterans' Employment Service, Perkins postsecondary vocational education and training programs, and Federal student financial aid provided for vocational training programs. Private industry councils, which already coordinate JTPA programs at the local level, would play an expanded role under Job Training 2000, with the goal of ensuring that all vocational education and training providers meet high standards of quality as well as local labor market needs. The legislation also provides for increased coordination between the various vocational and job training programs at the Federal and State levels through the establishment of a Federal Vocational training Council, and the establishment of State human resource investment councils in each State to oversee implementation of these programs.

While I strongly support the principles underlying the Job Training 2000 Act, I do have serious concerns over certain provisions in the legislation, particularly those resulting in the fundamental restructuring of our existing postsecondary vocational education system. These concerns do not erode my support for the core of this legislation however, which takes bold steps to establish a comprehensive job training system in the United States that will give our working men and women the opportunities they need to be successful in the changing work force. A system which will serve this Nation well, providing workers with the skills that will enable the United States to compete in the international marketplace of the future.

Again, I commend the President for his leadership in the area of work force preparedness. I look forward to working with him, with the U.S. Departments of Labor and Education, and with my colleagues in the Congress as we consider this important legislation in the future.

SUPPORT FOR HOUSE JOINT RESOLUTION 425—INFANT MORTALITY AWARENESS DAY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ESPY. Mr. Speaker, I rise today in full support of House Joint Resolution 425—which designates Mothers Day, May 10, 1992, as "Infant Mortality Awareness Day." We all must realize that if we let this issue die—so many more of our infants will die.

Currently, nearly 38,000 infants die before their first birthday in the United States. We rank far worse than several other industrialized nations including Japan. In the United States our rate is about 10 while in Japan it's 5.

Closer to home, in my own State of Mississippi, 12 babies out of every 1,000 born die before their first birthday. Our rate worsened from 11.6 in 1989 to 12.4 in 1990. In Humphreys County, the rate is 26.8. In Sharkey County, the rate is 22.9. And in Tallahatchie County, the rate is 21.2. Clearly, much more work needs to be done.

Combating infant mortality isn't a new fight for us. We know some of the solutions—outreach to adolescents, home visiting, one-stop shopping, nutrition education, and increased access to health care. Besides merely designating an awareness day, I also call on my

colleagues to support programs that help address this plague directly.

SOUTH FLORIDA'S BOOKS FOR KIDS OUTLETS PROMOTE READING TO CHILDREN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Michelle Sanchez, Judy Weissman, and Nanci Deutshce, who were recently featured in the Miami Herald for their south Florida book stores, which are designed for children. The article "Doing Business by the Book," by Traci Dyer, tells about the success of Sanchez's book store, ChildRead, and Weissman's and Deutshce's book store, A Likely Story:

Michelle Sanchez has a modest plan for her book business: She wants to be the Toys R Us of children's literature.

Sanchez owns ChildRead at 13619 S. Dixie Hwy., a bookstore that caters exclusively to children. With more than 5,000 square feet of space, it offers a playroom and two floors of merchandise separated by age group.

"Downstairs is for age 7 and under. The bulk of our business is downstairs for toddlers," said Sanchez, 33. The store features everything from educational aids to computer software and nature kits.

"We are unique in that we carry so many things. We started with just books and then really we were responding to the needs of our customers," Sanchez said.

The store now has more than 100,000 book titles and its sales approached $1 million last year, said Sanchez.

ChildRead is one of two area book stores that cater just to kids. The other, A Likely Story at 5470 Sunset Dr., has been in business 14 years. It offers 50,000 titles.

"The American Book Sellers Association told us a book store just for children wasn't viable. A year later, we were speaking at their meeting," said Judy Weissman, who co-owns A Likely Story with Nanci Deutshce.

It's a growing market, according to Maria Juarez, marketing director for the Children's Book Council, a New York City-based trade association of 65 children's book publishers.

"Publishers' output has nearly doubled in the past five to seven years," said Juarez.

According to a 1991 book industry trends study, total sales of publishers' books in the trade and juvenile section increased from 199.9 million in 1985 to 310.3 million in 1990. The study projects that will increase to 421.1 million books, representing sales of nearly $2 billion by 1995.

Sanchez says one of her goals is to make reading fun.

Every Saturday between noon and 3 p.m., children come for story time with arts and crafts. During the free program children sing songs, play games, listen to stories and enjoy a simple craft, said Sanchez. Seminars for parents and teachers also are scheduled, and most are free.

"I am proud of the classes and seminars we offer. They are an important part of what this store is about," said Sanchez.

A Likely Story also offers Saturday story hours. In the past six months, it has developed a special section with books for problems dealing with handicapped children, Weissman said.

At ChildRead, regular customers can buy a $5 yearly membership entitling them to 10 percent discounts on books, a catalog, a monthly newsletter and free birthday gifts for their kids from the store's "Treasure Chest."

Claudia Ellingwood regularly brings her children, Brian and Brenton, to the store. "They like the toys. We have been coming here for a couple of years. It's a great store," said Ellingwood.

"I wanted to have an impact on the community, to be a resource. I am fascinated by education and how kids learn," said Sanchez, who did everything from modeling to working in the food service industry before turning to retail.

Opening the store was her husband's idea.

"I was looking for books before my first son was born and I didn't get much help. He saw the potential," said Sanchez, who now has two sons, ages 5 and 6.

As part of its partnership with Dade schools, ChildRead recently recognized Bradley Horeth as an outstanding reader of the month.

A first-grader at Howard Drive Elementary School, Bradley read 28 books in February. He recommends "What to Do with a Kangaroo" by Mercer Mayer.

"Books are comforting, adventurous and exciting," said Sanchez. "The other day my son asked me to bring him home a book about bones and I felt great that I could get it. I knew exactly the one."

I am happy to pay tribute to Miriam Sanchez, Judy Weissman, and Nanci Deutshce by reprinting this article from the Miami Herald. They are part of a growing number of dedicated citizens throughout the country who are promoting reading among America's children.

CONGRATULATIONS CALIFORNIA CONSTITUTIONAL COGITATORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STARK. Mr. Speaker, today I rise to extend my congratulations to a group of students from Amador Valley High School in Pleasanton, CA. Skip Mohatt's civics class earned recognition as one of the top 10 teams in the country at the national Bicentennial Civics Competition on the Bill of Rights.

For this, the students, their families, and the community should be very proud. The class exhibited quick thinking, a contagious enthusiasm for learning, and a thorough knowledge of the Constitution.

The competition is part of a nationwide program to reshape the way our Nation's students learn about their Government. Instead of rattling off the date to when this or that constitutional amendment was ratified, these students emphasized the concepts and principles behind the development and implementation of the Constitution. The Amador Valley team showed just how successful this program has been.

At the competition, panels of trial judges, scholars, and lawyers participated in a mock congressional hearing. The students sitting in the witness chairs gave expert testimony on the Constitution. After a prepared presentation, the panel engaged the students in rigorous questioning that challenged the students' assertions and brought out new ideas that the students may have neglected. For instance, the Amador team had to quickly recall what portions of the Constitution reaffirmed the American tradition of laissez-faire, a tradition they had used as part of their discussion about the rights of the individual.

Instead of dates, names, and numbers, these students toyed with thoughts, ideas, and concepts. Undoubtedly, these same students will bring this same critical thinking to college and their careers.

Once again, congratulations to Skip Mohatt's Amador Valley High School civics class.

NATIONAL CHILD ABUSE AND NEGLECT PREVENTION MONTH

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SWETT. Mr. Speaker, I rise today in recognition of April 1992 as Child Abuse and Neglect Prevention Month. This is a time for all Americans to show that they care about eliminating abuse and neglect from the lives of our children. We must all work together in order to eradicate this national tragedy.

The reported incidence of child abuse and neglect have escalated enormously in recent years. During the 1980's, reports of child abuse quadrupled, and in 1990 alone, the National Committee for the Prevention of Child Abuse reports 2.5 million instances of child abuse and neglect. About 1,000 children die as a result of abuse. While only approximately 40–50 percent of reported child abuse and neglect cases are substantiated, the number is far too large and is deeply troubling.

Although child abuse crosses all racial, ethnic, cultural and socioeconomic groups, physical abuse, and neglect are more likely among people living in poverty. The number of children who are poverty-stricken has increased more than 30 percent in the last decade. In my home State of New Hampshire, more children are living in poverty than ever before, and the number of reported child abuse and neglect cases has concurrently risen. Mr. Speaker, something must be done to protect these children.

Many Americans believe that child abuse cannot happen in their neighborhood or among their friends. Child abuse and neglect does occur among the affluent as well as the poor, among the educated as well as the less educated, and among rural communities as well as inner cities. This behavior does not affect just one type of person or ethnic group—it can happen to anyone.

As a politician once said, "Your children need your presence more than your presents." And these children, who are being abused, desperately need our presence. Mr. Speaker, I urge my colleagues to join me in working within our districts to eliminate child abuse and neglect. These children are counting on us. We cannot let them down.

IN MEMORY OF THOSE SLAIN IN ARMENIA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. OAKAR. Mr. Speaker, I rise today in solemn remembrance of the greatest tragedy for the Armenian people. I want to thank the gentleman from California for organizing this special order.

This anniversary is a somber occasion. While it brings back painful memories for many people, it would be even worse to let the tragic loss of so many lives be left unnoticed. On April 24, 1915, about 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople, exiled, or taken to the interior and murdered. This was only the beginning of the terrible bloodshed and destruction.

I urge my colleagues to pause today and remember the Armenians who lost their lives and were uprooted from their homes. By remembering their suffering and honoring the memory of those who perished, we must make sure that these acts are never repeated.

LONG-TERM CARE

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. OWENS of Utah. Mr. Speaker, several weeks ago the New York Times ran a story about John Kingery, the 82-year-old man who suffered from Alzheimer's disease, and who was abandoned by his daughter, in his wheelchair at a dog racing track. This tragic story stirred sympathy among many Americans. However, what is even more tragic is this incident is not an isolated case. Seventy thousand older Americans were abandoned last year. The problem of granny dumping will only get worse if long-term care costs continue to rise.

Today I am introducing legislation calling for the availability of long-term care services to all those who need them, regardless of age or income. Congress must enact a comprehensive health care system which includes benefits for long-term care.

The cost of long-term care, including home health care, respite care, and hospice care is out of reach for so many Americans. For most family caregivers and individuals the price of long-term care is too expensive and inaccessible. These exorbitant costs place a tremendous burden on caregivers, sometimes leading to abuse and neglect.

For almost everyone, the price of long-term care is beyond reach. Today, almost 250 million Americans lack affordable and adequate long-term care insurance. We virtually make no provision for people with disabilities and chronic illnesses. Medicaid picks up the tab for nursing home care, but only once all the resources of an individual or caregiver are depleted. Medicaid also provides very little assistance for in-home care.

Long-term care affects almost all of us. Recent studies have concluded that 80 percent of Americans experienced, or expect to experience in the next 5 years, either in their own families or through close friends, the need for long-term care. We can no longer allow millions of Americans to live in fear of a long-term illness and to live in fear of having their hard-won financial and emotional resources wiped out.

With the number of older Americans soaring, we will undoubtedly see a greater need for long-term care services. Not only are we seeing growth in the 65 and over population, but we are experiencing tremendous growth in those 85 and over, those most likely to need long-term care assistance.

So where do people turn for long-term care assistance? To a nursing home where the average price a year is over $30,000, where even a short stay could exhaust lifetime savings. For many people this is simply out of the question. Although in-home care services are often less expensive, many people still cannot afford these costs and little public assistance is available. An overwhelming majority of long-term care is provided by family and friends, too often at tremendous emotional and financial expense.

The bottom line is we are not giving individuals and caregivers enough help to provide for long-term care. Perhaps if there was adequate public assistance available, a victim of Alzheimer's, provided with in-home service, could forgo a nursing home. Perhaps a parent caring for a child with cerebral palsy, could be given a few hours of respite care. Perhaps adequate funds could be available to contribute to the cost of nursing home stays, so families would not have to go penniless. As we continue the national debate on health care reform, we must make sure that long-term care is not a neglected topic.

I invite my colleagues to support this initiative calling for the availability and affordability of long-term care service for all Americans.

OLDER AMERICANS MONTH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROYBAL. Mr. Speaker, the month of May has traditionally been designated by the President as "Older Americans Month." Older Americans are an active and conscientious group of citizens whose sense of public obligation has enriched and strengthened our Nation. Therefore, it is fitting that we set this month aside to honor them and to ensure that all older Americans will have the dignity and quality of life that will make their later years rewarding and meaningful.

Growing old in America must be a concern of the young, as well as the old, the rich, and the poor, in urban and rural America, in Government and the private sector regardless of ethnic or cultural background. We already know that far too many of our elderly are poor, isolated, homeless or ill-housed, and in need of a variety of services.

While we in Congress can look back with pride on the many measures passed to aid our senior citizens, we must also look ahead and respond to the many problems and challenges facing the elderly. In the last month we were once again challenged with the reauthorization of the Older Americans Act, yet once again we failed.

Across the country, senior citizens await the authorization of new programs which will protect the rights of the thousands of elderly in nursing homes preventing abuse, neglect, and exploitation. Important programs to improve preventive health services for the senior citizen, which would help lower the cost of health care, also await funding. Yet again, the appropriations process is upon us and we have no increase in funds and the new programs with no funding. As chairman of the House Select Committee on Aging, I urge all those involved in the reauthorization of the Older Americans Act to resolve their differences and adopt the act.

Let us renew our determination to ensure that every individual over the age of 60, regardless of income, has accessibility to all the programs in the Older Americans Act. In the coming decades, meeting this goal will be increasingly important and more challenging. Our views of the aging process will affect decisions regarding the many social programs and institutions upon which the elderly depend. Your continued involvement and active participation with the aging network will ensure that older Americans will continue to receive the care and attention that they so well deserve.

SAD TIME IN THE HISTORY OF THIS INSTITUTION

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday April 30, 1992

Mr. HERTEL. Mr. Speaker, it is a sad time in the history of this institution. Late last night a majority of my colleagues voted to unilaterally surrender the documents requested in the Wilkey subpoena. It's the first time in my experience in this body that I have felt due process was abandoned, and that the Congress went out of its way to destroy the rights of the few because of the fear of the press and public opinion. I vehemently disagree with those who last night characterized constitutional protections, in particular the fourth amendment, as petty legalisms.

As Members of Congress, we're sworn to uphold and defend the Constitution—even for Members of Congress—as politically unpopular as that may be. I couldn't, and I wouldn't support ignoring the fourth amendment and abandoning due process. As is our history, we should have let the courts decide the appropriateness of this subpoena. If they had decided it was legal and necessary, I would willingly support turning over any and all records.

As someone who allegedly had checks held by the House bank, I've got nothing to hide and my conscience is clear. I've always supported full and complete disclosure of relevant information. And I'm not running for reelection, so for me the easy vote was just to turn everything over. But easy is not right. Easy is dangerous and in my opinion the easy vote was unprincipled.

Mr. Speaker, I fear that with last night's votes we may be starting down a slippery slope to mobocracy. It's a path we shouldn't have taken.

ALL CHILDREN IN AMERICA HAVE THE RIGHT TO SAFETY AND SECURITY

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. PETERSON of Florida. Mr. Speaker, I rise today to speak for a special group of individuals who do not have an opportunity to speak for themselves: The children in America who are abused and neglected. In recognition of the month of April as Child Abuse and Neglect Prevention Month, I bring to your attention these children who need our voices to continue to speak out against those who abuse and neglect them.

Current child abuse and neglect laws have developed from over the past 100 years. Ever since 1874, when a little girl's abuse and neglect case brought about the beginning of protection for children's rights, our country has been struggling against people who deny their children the physical and emotional health and development they need and deserve.

Congress has been seriously concerned about child abuse and neglect over the past 30 years and has passed laws in an attempt to protect children and the American family unit. In 1974, when Congress realized that the child welfare system was not adequately protecting children, it enacted the Child Abuse Prevention and Treatment Act. In 1980, when Congress was concerned about preserving the family structure for children, it passed the Adoption Assistance and Child Welfare Act. In 1984, when Congress turned its attention to family violence, it passed the Family Violence and Prevention and Services Act. Yet, after all of our efforts, we still have not stopped child abuse.

In fact, reports of child abuse and neglect have more than doubled in the past decade to 2.7 million in 1991. This does not account for the number of children involved in each of these cases. Nor does it account for the number of cases that go unreported. A more reprehensible fact is that, in the United States, more than three children die each day from abuse or neglect.

Mr. Speaker, we must make a dramatic shift from government intervention in families after a crisis to government investment in families before a crisis. To preserve the potential of all children, we must create in every community a network of services to strengthen families and to give them the tools they need to support, nurture, and protect their children. This will prevent the vicious cycle that now exists. Those who were abused as children go on to abuse their children. Children who have experienced trauma need counseling to heal from their frightening and painful experiences. But also, children who are abused need to be prepared for family life in the future so they will know that they and their children have the right to live productively and happily. Prevention is the key to serving the future of these children and all of those who will follow. As a former faculty member of Florida State University through the psychology department's special program at Dozier School for Boys in Marianna, FL, I learned first hand the value of prevention.

Mr. Speaker, all children in America have the right to safety and security. As the leaders of our country, we are responsible for their future and it is our duty to see that this right is not taken away. If we serve our children now, we are serving the future.

SHORECREST ASSOCIATION RALLIES TO PROTECT NEIGHBORHOOD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the efforts of the members of the Shorecrest Homeowners Association to preserve and protect their neighborhood. The area covered by the association is bounded by the historic Little River Canal, the northern city limit of Miami and Biscayne Bay, and embraces some 1,300 living units with a population of nearly 4,000. Within the area of concern is a quiet residential area and what was once one of the premier shopping areas of Miami.

Association president Donald J. Hinson stresses the need for local initiative to solve local problems. To this end, he has assembled a team of concerned citizens, including vice president Dr. David Felton and his wife, association secretary Jean Felton, as well as Vi Jacobsen, member-at-large Anthony Dawsey, Ann Carlton, Brian Genty, and Patrick Prudhomme. Mary Louise Hinson, the president's wife, also put in many hours as head of the crime watch committee.

The campaign to revive the Shorecrest community is being waged on a number of fronts. The association concerns itself with zoning matters, crime, and traffic patterns. By focusing on these areas, it is hoped that quality of life in the neighborhood can be restored to its former peaceful status. There is an effort underway to duplicate the sort of traffic barriers that have proven successful, just up the road, in Miami Shores.

Mr. Speaker, I commend the members of the Shorecrest Homeowners Association for their efforts and the commitment of the members to preserve and restore a fine Miami neighborhood.

TRIBUTE TO JOHN EYSTER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ASPIN. Mr. Speaker, today I rise to pay tribute to an outstanding teacher at Parker High School in Janesville, WI—Mr. John Eyster. Twenty years ago John initiated Washington Seminar, a unique citizenship education program which teaches our students to be strong and effective citizens. This month marks the 20th anniversary of this high caliber Government studies program which is highlighted by a trip to our Nation's Capital. Earlier this month, John brought his 20th group of Parker High School students to Washington. Today I'd like to give a special recognition to John Eyster, Parker High School, and all of the students and staff who have participated in the Washington Seminar program throughout these past 20 years.

John Eyster created Washington Seminar, which provides Parker High School students with a rare opportunity to learn about and personally experience our Government in action. As part of the seminar, students select issues of national importance, conduct indepth studies of the issues, and then travel to Washington, DC to interview national experts on their chosen subjects. Choosing the individuals to be interviewed and obtaining the appointment with officials is, in itself, a sound lesson in citizenship education. The students then write their research papers including their own views and editorial comments.

A few of the topics of study by this year's Washington Seminar students include: national health care, gun control, the Federal debt, funding for AIDS research, and peace in the Middle East.

Eighteen students and several former students who now staff this model program came to Washington, DC during the first week in April. The students exhibited a high degree of inquisitiveness, independence, and professionalism in their approach to understanding how the Federal Government works.

Each year I meet with Janesville's seminar students in Washington. It's obvious that these students put a lot of work into preparing for their trip. The depth of their knowledge and the level of their understanding of the issues is tremendous. If Parker High School students are representative of high school students throughout the Nation, our country is certainly assured a bright future.

Many students have told me that Washington Seminar was an extremely valuable experience in their lives. Further proof of this is the number of alumni who have become effective citizen leaders and public officials in our community.

John Eyster has done a tremendous job in coordinating the Washington Seminar program to enhance our children's education about civic responsibility. John Eyster has demonstrated great determination, hard work, and creativity in developing and maintaining such a successful program which has lasted 20 years. He is a credit and an honor to the entire teaching profession, and I congratulate him for a job well done.

I would like to pay a special congratulations to Washington Seminar's 20th anniversary class of students: Paul Braspenninckx, Christy Crawford, Daniel Graham, Jeffrey James, Adrian Klenz, Brian Melka, Marisol Peinado, Chad Schroeder, Scott Vilbrandt, Elizabeth Bridgham, Antoine Eigenmann, Angela Greenwald, Erik Johnson, Justin Lowman, Bryan Mowry, Eric Peterson, Lyle Shumate, and Christina G. Warren.

And, to the 20th anniversary staff: Mr. John Eyster, Thomas Dubanowich, Randall Radtke,

Troy Udulutch, Rick Rebout, Robert Burke, Jon Jarstad, Gina Rueckert, and Becki Woosley.

INTEREST RATE "LOCK-IN" ABUSE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GALLO. Mr. Speaker, today I have introduced a bill that would solve a problem that continues to plague people who are, in good faith, seeking to buy new homes or refinance their existing mortgages—the problem of interest rate "lock-ins" that are allowed to expire by lenders who wish to take advantage of interest rate increases.

The drop in interest rates 6 months ago brought many people back into the housing market. This drop also encouraged many homeowners to refinance their mortgages to capitalize on lower rates.

Unfortunately, the low rates did not last. As rates started to climb back up, an increasing number of applicants found that the time it was taking their lender to process their loans exceeded the time for which they had "locked-in" an interest rate. Too often to account for coincidence, the delays in bringing these loans to closing lasted just long enough for the "lock-in" period to expire.

As a result, at closing time borrowers are finding that the rate they are being offered is higher than the rate they had counted on when making their application. Through no fault of their own, people are having to pay more than they anticipated to get their loan.

To add insult to injury, they are reminded of this injustice every month when they write the check for their mortgage payment—a check for more money than they expected, and, in some cases, for more than they can afford.

My legislation would require lenders who offer "lock-ins" to honor that commitment until the loan closes, unless the borrower was responsible for loan processing delays. Lenders who failed to fulfill their obligation would be subject to a $10,000 penalty. This bill does not require a lender to offer a "lock-in," but, if they do not, they must disclose that to the borrower.

I offered this legislation in both the 100th and 101st Congresses. Unfortunately, each time, as interest rates stabliized—or got so high that no one could afford a mortgage—the momentum behind this idea was stalled. I urge my colleagues to take action on this bill before we adjourn for the year. Unless we do, the unfair history of interest rate "lock-in" abuse will continue to repeat itself.

CORRECTION OF THE PERMANENT REMARKS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BONIOR. Mr. Speaker, I rise today to make a correction in the statement I placed in the RECORD on November 26, 1991 and again on March 31, 1992. Two of the names should appear in different form from how the list of Pearl Harbor Veterans was sent to me by the U.S. Department of the Navy. I now take this opportunity to enter this tribute once more for the permanent RECORD of the U.S. Congress. The final tribute is as follows:

TRIBUTE TO PEARL HARBOR VETERANS

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a courageous group of Americans who on December 7, 1941 personally experienced the day that will live in infamy. I am, of course, referring to those stationed at Pearl Harbor—our first veterans of World War II.

I would like to officially recognize 16 of these veterans who reside in Michigan's 12th Congressional District. These men will be receiving the Pearl Harbor Commemorative Medal this year:

Thomas Allen, Jr., John Brammell, Homer Good, Lloyd Jaco, Kenneth Klucker, Robert Paul, Charles Sharrow, Marvin Villaire, Robert Boyd, John Fink, Harold Herpel, Frank A. Karl, Arthur Noellert, Gardner Pickering, William Stroud, Jr., and Preston Wolfe.

My deepest gratitude goes out to these proud veterans of Pearl Harbor.

It is appropriate this December 7th that we remember those who served at Pearl Harbor. Their battle was the first salvo in the long fight to bring an end to imperialism, fascism, and communism. Pearl Harbor has become a symbol of America's commitment to defend our values and interests. All our veterans deserve tremendous honor and respect for their efforts in maintaining this commitment. We owe them an enormous debt of gratitude for their valiant service which has made the world a better place to live for everyone.

Today, the veterans of Pearl Harbor can see that war they fought in, and so bravely won, helped, in time, bring freedom to the rest of the World. The sweeping changes in Eastern Europe and the former Soviet Union are a testament to our veterans' resolve to fight for freedom. With each new headline we see that our World War II victory was a victory for all of humanity.

The surprise attack Pearl Harbor veterans endured paved the way for our entry into World War II. In the 50 years since, the World has become a more secure place for freedom and democracy. This is the ultimate tribute to the brave men and women who fought that morning, and each morning thereafter, to keep our great sovereign Nation free.

A TRIBUTE TO PATROLMAN KENNETH R. NOVAK, JR.

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SANGMEISTER. Mr. Speaker, I rise today with a heavy heart, as one of my constituents, Kenneth R. Novak, Jr., an officer with the Lansing, IL, police department, has made the ultimate sacrifice in serving and protecting his fellow citizens.

Kenneth Novak was slain on April 8, 1992, when he and a fellow officer made what they thought was a routine stop to assist an apparently disabled motorist. The routine became the tragic for Kenneth Novak and officer George Dragicevich when they encountered Kevin Hardy, a fugitive from the law who had stolen the car to commit further crimes. Hardy surprised both officers, mortally wounding Patrolman Novak and then shooting Patrolman Dragicevich, who despite his serious injuries, was able to return fire and kill the assailant.

Kenneth Novak, who was only 27 at the time of his death, was in many ways a veteran around the Lansing Police Department. A part-time officer, Patrolman Novak began his association with the department as a 16-year-old police cadet. After graduating from the cadet program, he began work as a police dispatcher and paramedic with the goal of someday becoming a full-time police officer. He often volunteered for unpaid patrol duty because of his love for police work. In the words of his commander, Capt. Robert Wheaton, "He lived to be a police officer. That's all he wanted to be. And he died doing what he wanted to do."

Mr. Speaker, I would like to express my deepest sympathy to Kenneth Novak's family: His father, Kenneth Sr.; his mother, Patricia; and his sister Kathryn. My sympathy also goes out to Kenneth Novak's "second family"—the men and women of the Lansing Police Department. I hope the grief of all those who loved Kenneth Novak is eased by the understanding that he died pursuing his noble ambition—to serve and protect his fellow citizens.

ATTACKING THE PROBLEM OF INFANT MORTALITY

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GEREN of Texas. Mr. Speaker, I rise in support of House Joint Resolution 425, designating Mother's Day, May 12, 1992 as "Infant Mortality Awareness Day." The problem of infant mortality is one of particular concern to my home town of Fort Worth, TX.

Inc. Magazine, a prestigious business publication, recently named Fort Worth as one of our country's top 10 cities to do business. In the shadows of that announcement, however, is another fact about our city. It can be a perilous place for a child to be born.

For every 1,000 children born here, nearly 10 will die before their first birthday, and depending on where you live within the city, as many as 25 out of every 1,000 die as infants. Sixty percent of them die because they suffer from low-birthweight, their tiny organs unable to overcome the harsh demands of a new life.

We certainly do not know all of the answers about why so many children die in their first year, but we do know many of the contributing factors. The causes of infant mortality range from the behavioral—smoking and substance abuse by the pregnant mother, causing low-birthweight—to underage pregnancies and poor health—children having babies and mothers unhealthy prior to conception and during pregnancy—to the social and educational—lack of education about services for at-risk

pregnant women and poor access to the services.

Whenever government programs fail to have an impact on the problems they are intended to eradicate, we often respond by allocating more money to the program. There is no doubt that our cash-strapped county needs additional funds to provide prenatal care to indigent expectant mothers, but additional money alone will not solve the problem. We must develop innovative approaches in delivering prenatal care, and I am proud to say that Tarrant County is a national leader in this regard.

In 1989, $14.9 billion was spent on Medicaid services to families with children, the largest Federal-State program for poor families. Money and the technological advances it buys can do a great deal. But, more often than not, these funds arrive at the problem too late, reaching women after their unborn children have been harmed.

Mr. Speaker, the first step that the Federal Government must take to tackle the infant mortality crisis must be a step back. Too many programs to reduce infant mortality are targeted at women who are already pregnant. If we really want to reduce infant mortality, we must attack the problem, not just during pregnancy, but before conception.

Taking responsibility for our infant mortality crisis in Fort Worth and around our country means teaching our children—girls and boys—the dangers of getting pregnant out of wedlock and at a young age. Far too many at-risk mothers are unfortunately also at-risk children. In 1988, 488,941 babies were born to teenage mothers. We will never wipe out our infant mortality crisis until babies stop having babies.

Taking responsibility also means understanding the danger that smoking, substance abuse, and sexual promiscuity pose for our unborn children and making sure that our children also get the message.

The White House Task Force on Infant Mortality estimates that 10 percent of infant deaths and 25 percent of low-weight births are caused by cigarette smoking. The task force also estimates that as much as 10 percent of all pregnant women use alcohol or drugs. The number of babies infected with sexually transmitted diseases is also rising rapidly.

To get this message out, the Federal Government must declare war on infant mortality just as it has on drugs, alcohol abuse and AIDS. It should work with local school districts, national sports and entertainment figures and the media to get out the message about the dangers of smoking and substance abuse and the importance of prenatal care to an unborn child. The purpose is to reach women and girls before they become pregnant.

The campaign should include ad displays in publications geared toward teenage girls and women, mailings to those who benefit from low-income programs, and educational inserts placed in home pregnancy tests. The costs could be lowered if the private sector aided in the effort as they have in the war on substance abuse.

But education is not enough. Access to services is also critical, and the city of Fort Worth and local hospitals have established a new program that could serve as a model for pregnancy services to low-income women around the country. Services available to pregnant women and infants in Fort Worth have been streamlined so that a woman can now apply for benefits, receive prenatal care and obtain literature and information in one place. Much of the redtape that once stood between pregnant women and the very services that could mean the difference between life and death for her unborn child have been removed.

This year is the second for the Fort Worth program, but the initial assessment is that it is a success. The Federal Government should now earmark funds to help other communities develop similar programs.

To streamline the process does not help women who cannot reach services because of transportation problems or whose responsibilities at home keep them away from the doctor. To tackle this problem, Federal maternal and child health block grants should be earmarked to fund Mom Vans and mobile medical trailers. Mom Vans would help at-risk pregnant women reach the services they need, and mobile medical trailers would take medical services to those women who could not otherwise reach them. These grants could also be used to train community peer volunteers to go into the neighborhoods to encourage women to take advantage of the services. Fort Worth is among the cities currently using Mom Vans to get medical services out to the communities.

Mr. Speaker, any realistic strategy for defeating our infant mortality crisis also must address the financial barriers facing disadvantaged pregnant women. Most at-risk women rely on Medicaid insurance, but an increasing number are caught in the middle—they cannot afford private insurance but they are too well-off to be eligible for Medicaid.

Congress now allows States to provide Medicaid to anyone whose income is 185 percent of poverty or below—$22,370 or less for a family of four. The Federal Government should encourage State governments to use this option. States would face a short-term cost, but the long-term savings gained from a generation of healthier mothers and children would more than make up the difference.

Compassion is reason enough to care about the infant mortality problem in this country, but in this instance, compassion and fiscal responsibility go hand-in-hand. Hospital costs alone for low-birthweight babies now top $2 billion every year, while the cost of providing prenatal care to every single woman not currently receiving would be less than $500 million per year.

Mr. Speaker, no amount of money will save the unborn child whose mother ignores her obligation to care for and nurture that child; the Federal Government cannot mandate love or responsibility. It is a fact that no third party efforts, public or private, regardless of the amount of money spent on the problem, will overcome the damage done by irresponsible behavior. But the Federal Government can do more to foster a national educational campaign and to streamline and fine tune the effective services available to low-income pregnant women who seek them out. It is here where we must focus our energies to make our infant mortality crisis a relic of our past.

CINCO DE MAYO CELEBRATION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. PELOSI. Mr. Speaker, I rise in proud celebration of Cinco de Mayo, one of the great days in Mexican history, and a day of celebration for Latinos in my district and throughout our Nation.

Cinco de Mayo, the 5th of May, is the anniversary of the 1862 battle of Puebla, in which Mexican forces, against overwhelming odds, defeated Napoleon III's army. While the battle itself was not of great military importance, since the victory represented only a temporary setback for the French Army, it gave the Mexican people the moral confidence to strive for and win victory in the long run.

Mr. Speaker, Cinco de Mayo is more than the commemoration of a military victory. Cinco de Mayo symbolizes freedom, self-determination and independence for the people of Mexico and for Mexican-Americans in our Nation. It also presents another occasion to celebrate the cultural diversity of our great Nation. Peoples throughout America will observe Cinco de Mayo with parades, dancing, music, and fiestas in an atmosphere of friendship and cultural pride.

The Mexican-American Community of San Francisco is concentrated in and around the multicultural mission district. I want to take this opportunity to commend the Mission Economic Cultural Association [MECA] for all of their effort in organizing the Cinco de Mayo festivities in San Francisco. The 2-day festival in San Francisco will begin on Saturday, May 2, with a wide variety of entertainment held on three stages in the Civic Center Plaza.

Mr. Speaker, I would like to extend my sincere best wishes to the Republic of Mexico and to all Americans of Mexican descent during this 130th anniversary of Cinco de Mayo. I wish my colleagues and constituents a very happy Cinco de Mayo.

TRIBUTE TO THE HONORABLE RAY ROBERTS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HALL of Texas. Mr. Speaker, I would like to call to the Members' attention the death of one of our former Members, Hon. Ray Roberts of the Fourth District of Texas. I would like to submit a copy of the eulogy I delivered at Hon. Ray Robert's funeral on April 16, 1992 in Denton, TX, to his loving family and wonderful friends from throughout the years. It is with telling respect that Ray's former colleagues in public service came to pay their last homage to Ray: several Members of Congress, staffers from his days in the Texas Senate and the U.S. Congress, staffers of the late President Lyndon Johnson, and leaders from the Fourth District. Just as they came to pay one last tribute to a great and honorable man, I ask that the RECORD reflect my last tribute to him:

"Ray Roberts was my friend." That is the lead-in everyone present would use if given the honor of reading Ray's eulogy. We meet today to say goodbye to one who lived a life of service. One who meant so much to so many, yet made each of us feel like we were special. A man capable of friendship. Kay—you and Kelly and Tommy have known the warmth of his love. Gelden—you and yours know the closeness of this bedrock family; Jean, you and yours afforded Ray much love—and received love in return. Even when he differed with you, and Ray never kept his differences to himself, you knew where he stood—and my how he stood, so tall—for so many issues and projects that through his leadership became realities: Flood control and clear water, soil conservation, parks, recreative pursuits under LBJ and NYA. Yvonne Jenkins so aptly dubbed Ray "Mr. Water," with Lake Ray Roberts being only one of his many projects.

On occasions like this you ask: "What goes into the making of a man like Ray Roberts?" Well, he was a product of the depression, graduating out of high school into one of the most difficult times our nation has known. Ray's parents, Mr. Roy and Emma, taught Ray, Gelden and Evelyn about family love and the dignity of work because they were born into a generation that knew what it was to go to bed tired at night. And yes, Mr. Roy taught Ray and Gelden and Evelyn something about commerce and the free enterprise system, and as Ray said, the only place that success comes before work is in the dictionary. Ray Roberts was successful at every business and professional crossroads he encountered because he worked.

Ray was an outstanding State Senator: He served as President Pro-Tempore, Third-in-line for the Governorship, and chaired the most important committee, the Senate Committee on Finance. In spite of the following a legend into Congress, he quickly became his own guy—not just the man elected to take Sam Rayburn's place. He became Chairman of Veterans Affairs Committee and the Water Subcommittee for Public Works.

I go back to the Roberts family again: They were a family who also were patriots. Ray heard the call and answered his country locked in a world conflict where names like Hitler, Mussolini, Tojo, Yamamoto, Hirohito and Rommel were threatening the freedom throughout the world. Ray was a participant in a battle that won the war in the Pacific—a battle that spawned more documentaries and more motion picture production than any other battle of W.W. II—the battle of Midway. Ray was a deck officer on the aircraft carrier U.S.S. *Hornet* when it was sunk in the late hours of the battle. After the outcome of the three days and nights of naval battle was a decisive victory at sea that turned the tide of the war. Ray was a young naval officer spared that day to later do so much for our country. Ray prepared himself for his productive years—he was not bashful about standing up for a certain school built on the Brazos River. He was not reluctant to learn from the great Speaker Rayburn—and he honed his skills well—later to serve in the House with the two Presidents to-be.

I learned much from Senator and Congressman Ray Roberts and I benefited much from my friend, Ray Roberts. I followed him into the Texas Senate and the U.S. Congress. I felt a little handpicked in both instances, for Ray guided me, and I benefited from being his friend. It helped me for Ray to pave the way for those who had served with him: John Dingell, Jamie Whitten, Mo Udall, Jack Kemp, Claude Pepper and George Bush.

Until his death, and this testimony of a church-full of friends today, Ray retained his host of friends and a network of admirers. Just last week, the network worked—Jasmine McGee called Mike Allen and Mike Allen called me—all to suggest that our friend, Ray, was home from the hospital and a call would cheer Ray. As did many of you, I called and talked to Ray last week. It was not a call to Senator Roberts about the job of a relative; it was not a call to Congressman Roberts about an amendment to a special bill. It was a call to a wonderful friend. Most of the calls were from those he had helped, those he had befriended, those he comforted when they were down. We tried to impart a poet's thought to Ray, and I paraphrase, "Thanks—for reaching your hand into my heaped-up heart and mind, and finding something there that no one else looked quite far enough to find."

We know that our God in Heaven accepts Ray and we hope that first his family, and then the so many of us who also loved Ray, can find solace in knowing that there is a Lake Ray Roberts in Heaven that Ray and Jake Jacobs are scoping out right now; there is a real-estate deal that Ray and Mr. Roy are studying; and there is a College Station where Hook'em Horns is out and Gig'em Aggies is in. There is a place where the Husband Ray Roberts, the Father Ray Robers, the Brother Ray Roberts, the Grandfather Ray Roberts, the Relative Ray Roberts, and our friend Ray Roberts no longer has the despair of illness, nor the dread of an attack, nor the agony of a constant gnawing of fear of recurrence, nor the indecision of whether or not an operative procedure would further his life or render his remaining days without the quality of life that he was entitled to. We say good-bye this afternoon to one who accepted his responsibility—and responsibility has been called the response to the ability God has given us.

So, I end this eulogy as it began: "Ray Roberts was a friend of mine."

Mr. Speaker, as we adjourn this day, let us do so in everlasting respect and veneration for the wonderful friendship all had with our friend, Ray Roberts.

HONORING OUR PAGES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. RICHARDSON. Mr. Speaker, every fall, spring, and summer, 66 outstanding young people travel to Washington to serve as pages for the House. During the fall and spring, these teenagers rise before the crack of dawn to attend high school and then report to duty here in the House. These young people perform a wide variety of duties. In addition to helping us, they gain an invaluable insight into how Congress works.

Over the years, I have had the good fortune of nominating several of our pages. My current nominee, Karen Lee Nuckols, was prominently featured in a newspaper profile which appeared in the Portales-News Tribune in Portales, NM. Reporter Janet Bresenham accurately captures Karen's energy, excitement, and hard work in her front page story. In fact, Ms. Bresenham's article is the best story concerning our pages that I have ever read. The Associated Press in New Mexico was also impressed with Ms. Bresenham's story and carried the article on its statewide wire service.

Mr. Speaker, I would like to bring Ms. Bresenham's excellent story to my colleagues' attention. My colleagues may wish to consider sharing the following news article with future page applicants.

TEEN FINDS CAPITAL LIFE ON THE HILL—PORTALES GIRL ENJOYS WORK AS HOUSE PAGE

(By Janet Bresenham)

Portales is making high marks on the floor of the U.S. House of Representatives in Washington, D.C., these days, thanks to one 16-year-old ranking ambassador of Roosevelt County goodwill.

Karen Lee Nuckols has been serving since January 27 as one of the 66 Congressional Pages in the House for the 1992 spring semester.

The Portales High School junior was nominated for the coveted position by Representative Bill Richardson, the Democratic congressman from New Mexico's 3rd Congressional District.

"She's one of the best Pages I've had in my 10 years," Richardson said. "She is doing extremely well. She has really excelled."

In less than two months, Nuckols has already been promoted from "runner" to an honored and sought-after position working in the Cloak Room.

The new position gives her more of a front-row seat for observing debates and legislative action in the House of Representatives and watching politics in action.

"She has gotten floor assignments, working on the floor of the House during debates, which is the prime assignment a Page can get," Richardson said.

The Cloak Room is the room connected to the House floor where U.S. Representatives can take their phone calls when Congress is in session or sit down and talk among themselves without actually being on the floor of the House.

"If a vote is going on, different offices or other people want to talk to the members (of the House)," Nuckols explained. "I will take or receive the call and take a message out to the member."

During important legislative debate, such as the recent vote on the middle-class tax package, Nuckols said adrenaline runs high as the Pages work the same long hours as the congressmen do to keep up with the phones and messages and flurry of activity.

"I love it when there's a vote on; it's stressful, but it's fun and really interesting," Nuckols said. "During votes, it gets very busy. The phones are constantly ringing."

Answering phones in the Cloak Room has allowed Nuckols to talk to a variety of people, from the London Times to Arkansas Governor and Democratic presidential candidate Bill Clinton.

Nuckols was also working as a Page when the scandal broke concerning the check-kiting practices of some members of the House.

"It was really stressful," she said. "There were a lot of phone calls in the Cloak Room. People who were watching everything on C-Span were calling and telling us their opinion. We could just listen, take a message and tell them to call their congressman's office directly."

When she first arrived in Washington, Nuckols' work as a "runner" involved delivering whatever various offices needed, through what she called the "inside mail service at the Capitol." Part of the job entailed a thorough knowledge of the office address numbering system because runners

"have to be able to find any office on Capitol Hill," she said.

"It was scary at first because they would hand us a number between 100 and 2,482, and it's just a number, and you have to know exactly where that is. We had three buildings to choose from and tons of floors."

Her promotion March 16 gave Nuckols a chance to meet more of the members of Congress directly.

"As a runner, I would pass members of Congress in the hall, but I never knew who all of them were," she said. "Now that I work in the Cloak Room, I have to know all their names and faces because I have to be able to find a member at times when there is a vote or someone on the phone for them. It's a lot better; I can go up and say 'hi' and there's more interaction with members of Congress."

Besides learning about how Congress works, Nuckols said she was surprised to learn how members of Congress work.

"I really never thought congressmen did anything," she said. "I thought they were more in the public eye, and the people who work for them did all the real work. Now I realize I was totally wrong. They do a great deal of work. It's really neat to watch all that they do."

Her own work as a Congressional Page takes precedence while she is in Washington, but Nuckols also attends school in the mornings to keep up with her high school studies.

After getting up at 5 a.m. every day and going to breakfast, Nuckols and her fellow Pages walk about a block from their dorms in the old congressional hotel building to the Library of Congress, where the House and Senate Page School classes begin at 6:45 a.m.

"The House Page School is a private school with a faculty of five teachers, a secretary, a principal and a counselor," Nuckols explained. "We have only four classes a day that are 40 minutes long, and school ends at 10 a.m."

Her spring schedule includes courses in Pre-Calculus, U.S. History, Spanish and American Literature.

"It's really neat because every single student is very self-motivated—they want to be here," Nuckols said. "Especially in my English and History classes, we get into really good discussions because most kids here are good speakers and they're on a high intellectual level. Mostly it's a regular school, but it's hard not to talk about politics when we're sitting in the nation's capital."

Among the nation's leaders in Congress and among her fellow Pages, Nuckols has made friends easily, and Richardson credits her "cheeriness" and her ability to learn quickly with helping her rise through the ranks.

"I believe she's one of the most popular Pages, from what I have observed," Richardson said. "Her cheeriness is part of what makes her popular. She's always smiling."

Unlike some Congressional Pages, the daughter of Bonnie Burnworth of Portales and Kent Nuckols of Albuquerque said she never had any previous political aspirations or background.

"I had read about being a Congressional Page in the history books, and now that I'm here, I've learned so much about it," Nuckols said. "I want to thank Bill Richardson for getting me here. A number of Pages have been studying politics for a long time, and a number of them are like me and came here to learn."

Her experiences working with Congress have strengthened the Portales teen-ager's ambitions to become a speech pathologist and work with the deaf and hearing-impaired.

"I will be able to come back some day and be a better influence for the hearing-impaired, now that I have a better understanding of how the system works," Nuckols said.

Getting a taste of the country's many different cultures through her interaction with various congressional offices has been one of Nuckols' favorite learning experiences while working in Washington.

"I really enjoy going into all the offices," she said. "It's a chance to see all the different cultures, because the offices try to portray the cultures of their particular states, and you hear all the different accents from around the country, too."

Although she has been somewhat dazzled by the newness of being away from home and the excitement of living in the nation's capital, Nuckols never misses a chance to promote her hometown.

The mention of Roosevelt County's trademark Valencia peanuts draws a hearty laugh from Nuckols, as she related her efforts to encourage consumption of the area's favorite commodity.

"My mom sent me some Portales peanuts, and I shared them with everyone here," Nuckols said. "My next goal is to give some Valencia peanuts to the people in the Georgia congressional offices. They talk about how good their peanuts are, and I tell them, 'But you haven't tasted peanuts from Portales.'"

Richardson readily agrees that Nuckols always keeps the interests of New Mexico in mind.

"She's always asking me when I'm going to go to Portales next," he said, with a chuckle.

While she is away from Roosevelt County, Nuckols is taking advantage of the other cultural benefits of life in the big city.

"I really enjoy being able to just walk to any of the Smithsonians," she said. "I have been really impressed with the Kennedy Center. I saw a play there, and I'm gong to the National Symphony. We went to the National Theater and saw 'A Chorus Line.' That was really neat."

Among her other favorite attractions to see during her free time are the zoo and "Embassy Row," where all the foreign embassies are located.

Between the highlights of both work and play on Capitol Hill, Nuckols can foresee only one drawback to living in Washington this year.

Although she says the other Pages "really take care of each other like a close-knit family," her voice grows a little wistful when she talks about spending her 17th birthday on May 26 away from home and the friends and family she has in New Mexico.

She will have a chance to be with them again when she completes her term as a Congressional page on June 6 and returns to Portales to complete her senior year in high school next fall.

In the meantime, while her hometown friends read the latest from Capitol Hill in the newspaper or watch the news on television, Nuckols is grateful she has the once-in-a-lifetime thrill of seeing history in action.

"These things I'm watching are going to be written about in my children's history books," Nuckols said. "Everyone here tries to remind the Pages all the time that we are sitting here and history is being made and we are a part of it."

IN HONOR OF SCHOLASTIC ACHIEVEMENT

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. HORN. Mr. Speaker, I rise today to commend three students from the 2nd Congressional District in Missouri for their scholastic achievements and recent scholarship awards: Alex Cho, Brian Bisig, and Nancy Schaefer. Each has been awarded a scholarship from the Creve Coeur/Olivette area Chamber of Commerce and the Lions Club based on their participation in an annual essay contest and competition, including oral presentation of their essay.

Appropriately, the theme of this year's competition was "What Would You Do To Fix The Economy?" Alex, Brian, and Nancy were challenged by this question, as we in Congress and the executive branch are today. They took the issue on with honesty and maturity to introduce ideas that recognize the need for business growth and development, as well as the social ramifications of our economic policies. The issues they stressed were the need for long-term investments in technologies, research, infrastructure, and—most of all—quality to improve our competitiveness.

These ideas are the seeds of our future growth, Mr. Speaker. These students have worked hard not only on this question and this scholarship, but every day. All three of these students are at the top of their class academically. All have achieved honors in school competitions, extracurricular activities, and as volunteers in their communities. They are an inspiration to our community, and should be a motivation to national policymakers, as well. Clearly, a dedication to education pays off.

First place in the competition, along with a $2,000 scholarship, went to an essay written by Mr. Alex Cho of Parkway Central High School. Alex's answer to our economic stagnation emphasized long-term investments: tax incentives for manufacturing, targeted to smaller enterprises; expanded research and development; and a better use of Federal research in critical technologies. These are excellent suggestions—ones that have been offered for consideration in Congress and to the administration. The St. Louis metropolitan area is particularly well-suited for these types of activities.

Second and third place in the competition, and scholarships of $1,250 and $750, respectively, went to Mr. Brian Bisig of DeSmet Jesuit High School and Miss Nancy Schaefer of Westminster Christian Academy. Brian and Nancy have also focused their essay recommendations on competitive activities, such as research and development, quality enhancements, and productivity. I was very impressed by the ability of these young people to integrate such complex issues into a responsible economic growth strategy.

Clearly, we must invest in the education of our young people to ensure that they are able to advance these ideas in society. I commend the Creve Coeur/Olivette Chamber of Commerce and the Lions Club for their support of these students and higher education within our

community, in general. I hope all of my colleagues will join me in congratulating these young St. Louisans on their achievements. I wish them success in their future endeavors.

CONDEMNING RODNEY KING VERDICT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROYBAL. Mr. Speaker, I rise today to express my disbelief at the verdict in the trial of the four Los Angeles police officers who beat Rodney King. Except for 12 jurors in Simi Valley, the world was shocked and outraged by the appalling violence which was inflicted upon an unarmed citizen by law enforcement officers.

This verdict has left many law-abiding citizens of Los Angeles wondering who will protect them from the police. One of the defendants in this trial claimed that his use of violence was justified because he mistakenly thought Rodney King was under the influence of drugs. This excuse can be used by any violence-minded officer to justify any level of violence against anyone. It is outrageous to allow this kind of mindset in public servants whose duty it is to protect the public.

I hope that our incoming Chief of Police will not accept this kind of excuse from his officers and will seriously take into account the recommendations made in the Christopher commission's report. Instead of "looking the other way" when brutality reports are filed, these cases need to be thoroughly and vigorously investigated. Our police force needs to end acts of excessive violence committed by its officers.

I urge the Justice Department to vigorously pursue its investigation into the violation of Mr. King's civil rights. Federal charges must be filed against those responsible for this brutal action. This beating was truly a terrible episode, and it was not an isolated case. To watch a man being fearfully beaten, kicked and electrically shocked by police officers was a sickening sight.

We must realize that respect for the law decreases, when our law enforcement officers violate the laws they have sworn to enforce. As citizens of Los Angeles, we must all refrain from violence. We must all work together to effect a positive change in community-police relations and create a climate of understanding.

IN MEMORY OF BILL SADOWSKI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my sad duty to note sudden and tragic passing of Florida's Department of Community Affairs Secretary, Bill Sadowski. Bill Sadowski was well known in both Miami and Tallahassee for his devotion to public life, as well for having a gentle sense of humor. While I did not have the pleasure of serving with Bill in the Florida House of Representatives, my husband, Dexter, did. Dexter found him to be a true and dedicated public servant. In recent years, I had dealt with Bill in his final post as Secretary of Community affairs and enjoyed working with him. The Miami Herald summed up the sense of loss in its editorial "Devoted public servant" which follows:

Only one word does justice to the stunning death of Bill Sadowski: tragic. The secretary of the Florida Department of Community Affairs died in a plane crash in St. Augustine early yesterday morning. The plane's pilot also died.

Mr. Sadowski's death is first of all a tragedy for his family. His wife, Jean, and children, Jill and Ryan, were the loves of his life. Nobody doubted it when he said in 1982, at age 38, that he was leaving the state House after six years of service in order to spend more time with his family.

Mr. Sadowski's legislative record is evidence that one effective lawmaker can achieve more in six years than a whole delegation of mediocrities can accomplish in a lifetime. So quickly did he master complex issues such as insurance and banking that he soon was entrusted with major responsibilities in those areas. He was also a force on crucial issues such as education. He helped forge an "urban coalition" to champion the larger counties' interests.

Above all, though, Mr. Sadowski's colleagues respected and liked him as a man of conscience who was never self-righteous. He was "pro-life" on abortion *and* capital punishment, for instance, but he had friends on both sides of both issues. His dry wit, including frequent self-deprecating allusions to his Polish ancestry, helped him get along well even with lawmakers who often disagreed with him.

His goodbye to the Legislature didn't end Bill Sadowski's public service. Indeed, his record of later achievements is an example for all those elected officials who now cling so desperately to their jobs.

Especially significant was his three-year tenure (1984–87) on the governing board of the South Florida Water Management District. As chairperson during his final two years there, he presided during a challenging period when the district was accelerating its functional evolution from mere water management to a key role in protecting South Florida's fragile environment.

Yet nothing better illustrates Mr. Sadowski's devotion to public service than his 15 months running the agency responsible for enforcing Florida's controversial growth-management laws. He took the job reluctantly, then worked tirelessly to dispel a legacy ill will and to marshal public support to protect the planning process from legislative assault. He was on such a mission when his life was snuffed out. Tragic.

Mr. Speaker, I wish to extend my condolences to his widow, children and all the Sadowski family. He was a presence in Florida that will be greatly missed.

GIRL SCOUT AWARDS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LaFALCE. Mr. Speaker, I would like to pay special recognition this morning to five girls from my district who have earned the Girl Scout Gold Award, the highest award achievable in Girl Scouting. Each of these recipients has demonstrated a high level of skill and leadership and each has completed a special Gold Award project.

Deborah Apollo, from Kenmore, organized and chaired a Teen Neighborhood Watch Program in conjunction with the Kenmore Police Department's adult program.

Cheryl Benton, also of Kenmore, organized a youth group at her church for children in grades 3–5.

Another Kenmore resident, Kathryn Maragliano, designed and produced a play based on the Dr. Seuss book, "The Lorax."

Finally, but not least, Dina Wilkins and Robin Woolson of Tonawanda developed a camp training program to prepare Brownie Girl Scouts, ages 6–8, for their first outdoor camping experience.

I want to salute each and every one of these girls for their outstanding achievements. They and the Girl Scout Council of Buffalo and Erie County are to be commended for their commitment and dedication to the Scouting experience.

TRIBUTE TO GARRETTFORD ELEMENTARY SCHOOL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. WELDON. Mr. Speaker, I rise today to recognize Garrettford Elementary School. The school will celebrate the 50th anniversary of the christening of its facility on May 1, 1992. When the first Garrettford Elementary School was built in 1909, it was a small school in a tiny community. Today, Garrettford remains a neighborhood school with a small percentage of the students riding buses to school. While the original school consisted of only three classrooms, a teacher's lounge, and a principal's office, today it is the home for 720 students, including many from various countries around the world. Yet for all that growth, Garrettford remains a neighborhood, a school dedicated to educating the students and the community.

The school boasts a family atmosphere for its 23 regular classrooms and 7 special education classes. Garrettford's recognition in 1990 as a "School of Excellence" on both the State and national levels exemplifies its pride in the attainment of high standards and its part in educating productive citizens for the 21st century. We need more schools like Garrettford.

Since 1983, Wayne McAllister has been the principal of Garrettford Elementary. Under his leadership, with a dedicated faculty, staff, and student body, Garrettford has proven itself a fine educational institution. It is with great pleasure that I congratulate Garrettford Elementary on its 50th anniversary.

TRIBUTE TO THE GERMANTOWN, IL FIRE DEPARTMENT ON THEIR 100TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to bring my colleagues' attention to the 100th anniversary of the Germantown, IL Fire Department. The Volunteer Fire Department of Germantown, a town in my congressional district, will commemorate 100 years of fighting fires and providing other emergency services on May 2 of this year.

The Germantown Volunteer Fire Co. was established on May 2, 1892, and was comprised of 18 volunteer firefighters. These firemen used a hand-operated pump which was loaded onto a horse-drawn wagon and taken to the site of the fire.

In the early days of the department, all funds and equipment were donated. To support the fire department, the firefighters have held a variety of fundraisers throughout their 100-year history. Platform dances were sponsored weekly in the mid-1900's to raise the necessary funds to purchase a 1941 pumper truck. This truck was in use until 1988!

The fundraisers also enabled the volunteers to build a new fire station and purchase the first fire department radio system in the county. This tradition continues with members raising funds to buy an assortment of equipment. This year the firefighters contributed the funds and manpower to convert a used truck into a water-tanker truck.

As a member of the Congressional Fire Services Caucus, I recognize the importance of fire departments nationwide. Formed in 1987, the caucus addresses issues relating to fire, life safety, and emergency response. The Congress and fire service are united behind a single agenda of concentration on the fundamental goal of a fire safe America.

Today, the Germantown Volunteer Fire Department has 30 members, all volunteers, who contribute their time and talents to their community. A truck mechanic, carpenter, plumber, and electrician work beside a computer programmer, draftsman, and engineer to respond to emergency calls in the southern Illinois community.

The teamwork of this fire department allows their performance to exceed all expectations. In fact, in 1991, the department received the Clinton County Sheriff's Department Distinguished Service Award for their participation in responding to a dramatic multiple-fatality vehicle accident.

I ask my colleagues to join me as I applaud the Germantown Fire Co.'s current and former members who have proudly provided fire and emergency medical services to the Germantown community for the past 100 years.

TRIBUTE TO KEITH D. WRIGHT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, today I would like to bring to the attentioin of my colleagues an exceptional individual. His name is Keith D. Wright and he was recently named by the United Way of the Oranges as Volunteer of the Year. Also, he was added to the board of directors of the United Way of the Oranges. The United Way of the Oranges represents the cities of Orange, East Orange, West Orange, and South Orange, NJ, which I have the privilege to represent.

These are impressive accomplishments to be sure, but Keith Wright is a remarkable man, as is made clear by his numerous achievements in business and the community. Keith is currently the assistant manager of computer operations for the Port Authority of New York and New Jersey. He is chairman of the East Orange Parking Authority, the East Orange Economic Development Co. and the Mayor's Community Development 2000 steering committee. He is a past president of the Black Data Processing Association.

Mr. Speaker, I can not help being impressed. In addition, in 1984, while working at Hoffman-LaRoche, Mr. Wright was selected as a Black Achiever. He was nominated an Outstanding Young Man of America and is listed in "Who's Who in Black America."

Other civic responsibilities Keith Wright has taken upon himself include membership on the Martin Luther Commission youth committee, director of the Tri-City People's Corp., and sits on the board of managers for the East Orange YMCA.

Keith Wright has proven himself to be a community leader deserving of recognition. I have known Keith for more than 10 years, and I have always had nothing but respect for him and his endeavors. I am sure my respected colleagues join me in congratulating Mr. Wright on his most recent accomplishment as volunteer of the year for the United Way of the Oranges.

TRIBUTE TO DR. AND MRS. VASCO SMITH, JR.

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FORD of Tennessee. Mr. Speaker, I would like to share with my colleagues this proclamation honoring Dr. and Mrs. Vasco Smith, Jr. of Memphis, TN. Mr. Speaker, it is an honored privilege for me to join with the citizens of the Ninth Congressional District, Alpha Phi Alpha Fraternity, Inc. and with citizens throughout this Nation in paying tribute to Dr. and Mrs. Vasco Smith who have dedicated their lives to improving the human condition of those whose lives they have touched in a very special way:

Whereas, Dr. and Mrs. Smith—affectionately referred to as "Vasco and Maxine" are indeed deserving of the honors extended to them for the all-inclusive services which they have rendered in the religious, civic, educational, cultural and political arenas of the Memphis community and beyond. Their accomplishment and contributions are indeed historic in nature. They dared to dream of a better community, a better nation and a better world where justice and equality for all citizens prevails. But they recognized in their early struggles that freedom for the oppressed is bought with a price, and they dared to pay the price, and

Whereas, these distinguished American citizens are team-players in this "drama of life together", and they serve as an "all-inclusive support system" for each other in times of trial and triumph as well. They are acclaimed for their courageous leadership in the Civil Rights Struggle, and they endured the indignities of being arrested for participation in sit-ins, boycotts and freedom marches, and

Whereas, we pay tribute to the esteemed Mrs. Maxine Smith as a courageous spirit, whose accomplishments and contributions are a matter of international record. She is intellectually and academically accomplished as evidenced by her attainment of a B.A. Degree from Spellman College in Atlanta, Georgia and an M.A. Degree from Middlebury College, Middlebury, Vermont. Her leadership roles in numerous organizations are far too numerous for inclusion in this document. The awards and honors which she has received represent a numerical phenomenon. She presently serves as the Executive Secretary of the local chapter of the NAACP, and the President of the Memphis Board of Education. She is renowned for her supreme articulative skills and her effervescent personality and deportment. She brings zest and vitality to any occasion of which she is a part, and

Whereas, Dr. Vasco Smith is hailed as a "Soldier of Uncommon Valor." I salute him for his noble character and lofty ideals. He served "with honor" in the defense of this nation in World War II and in the Korean War. And, he is equally heroic as a "star performer" in the political arena of Memphis and Shelby County. He has carved for himself a unique place in the history of this community for his exemplary leadership on the Charter Commission of Shelby County which led to legislation resulting in the building of the sixty million dollar medical facility which we refer to with price as the MED. His legislative agenda of accomplishment and the awards, citation and honors which he has received defy our ability to include them in this document, and

Whereas, Dr. Smith has preserved in academic attainment and in his exemplary performance in the practice of dentistry since 1945. He is a graduate of LeMoyne-Owen College of Memphis, Tennessee and holds the D.D.S. Degree from Meharry Medical College where he attained membership in Kappa Sigma Pi (National Dental Honor Society) and Omicron Kappa Upsilon (International Dental Honor Society).

Dr. and Mrs. Smith are the parent of one son—Dr. Vasco Smith, III.

It is with great personal pleasure and pride that I salute Dr. and Mrs. Vasco Smith as Distinguished Americans, and declare that they are indeed "Citizens Extraordinaire": Now, be it therefore

Resolved, That this proclamation shall become a part of the Congressional Record on this 1st day of May, 1992.

CONGRATULATIONS TO ESPARTO HIGH SCHOOL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FAZIO. Mr. Speaker, I would like my colleagues to join me in congratulating Esparto High School of Yolo County, CA, on its centennial anniversary. Since 1892, Esparto High has educated young people from the Capay Valley in northern California.

Esparto, originally called Esperanza, exemplifies the significant impact of railroads on the development of California. When the Southern Pacific Railroad laid its tracks in the valley, the resulting land use created a rapid rise in population. Consequently, the town of Esparto was born.

Early education in the Esparto and Capay Valley areas played a major role in community life. The residents took great pride in their educational system, the center of which was and is Esparto High School. At its inception, the school served eight elementary school districts throughout Yolo County, as one of only two senior high schools.

Esparto High began holding classes in a two-story wood-framed structure. Following a devastating fire in 1939, the residents of Esparto banded together to rebuild the high school. Esparto High has since expanded to meet the growing needs of its students with the addition of an agricultural wing and a business education department.

In short, I know my fellow Members will join me in congratulating Esparto High School on its first 100 years, and extending my best wishes for many more years of quality education in California.

TRIBUTE TO COLUMBIA CARES: "1992 POINTS OF LIGHT AWARD" RECIPIENT

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHAEFER. Mr. Speaker, I rise today to congratulate Columbia Cares, a nonprofit community service program of the Englewood, CO-based thrift Columbia Savings, which has recently been named recipient of the "1992 President's Annual Points of Light Award." The volunteer program is one of 21 "Points of Light Award" winners chosen nationwide this year from a field of more than 4,500 nominations.

I am proud of the tremendous amount of time and effort that over 890 Columbia Cares volunteers have contributed to educational and environmental projects in Colorado. Despite the demands of their own personal lives, these volunteers devoted hours engaged in company-sponsored volunteer activities, with the sole purpose of helping others. Programs such as Homework Hotline, GED on TV, the Colorado Center for the Book and the Colorado State Library for the Blind and Physically Handicapped are improving our communities and making Colorado a better place to live for all of us.

At a time when social needs are great, those who freely give their time and talents to help others are a precious resource. It is refreshing to see a group, as dedicated as Columbia Cares, recognized with the Nation's most prestigious community service award. Again, I commend the volunteers of Columbia Cares and their hard work. They truly exemplify dedicated public servants and I applaud them and thank them for their commitment to helping the citizens of Colorado.

THE PRESCRIPTION ACCOUNTABILITY AND PATIENT CARE IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. STARK. Mr. Speaker, I am introducing today a bill designed to help improve the outpatient prescribing of prescription medications. The following outlines more details, background, and an explanation of the Prescription Accountability and Patient Care Improvement Act:

EXPLANATION

BACKGROUND

My legislation calls for the development of 10 State-based demonstration projects administered by states' Departments of Health. The initiative will simply build on three state-wide efforts sponsored and funded by the Bush Administration in Oklahoma, Massachusetts, and Hawaii. It will use existing computer technology to focus attention on cases of under- and over-prescribing of controlled substances. It should be particularly helpful in ending the under-prescribing of painkillers in our society. The Administration, in providing federal block grants through the Department of Health and Human Services (HHS) and the Department of Justice, has developed a model to improve patient care, to better educate physicians and patients, and to address existing fraud. I applaud the Bush Administration's efforts in this area.

APPRECIATION

I am especially grateful to numerous organizations which have helped me in developing this initiative, ranging from national medical membership groups, pharmacy groups, pharmaceutical companies, national and local patient membership groups, various state health agencies, civil liberties advocates, and computer specialists.

In short, this effort is nothing more than an expansion of existing federal law for Drug Utilization Review (DUR) beyond the Medicaid population to the population as a whole. The DUR program enjoys the support of the American Medical Association (AMA), the Pharmaceutical Manufacturers Association (PMA), and the American Pharmaceutical Association (APhA), and I have incorporated into the legislation the detailed DUR principles developed by these three organizations. This idea for a computerized Prescription Accountability program first originated from the American Medical Association (AMA), in an idea called PADS, a paper-based data collection program later upgraded to a computerized version called PADS 2. I am especially grateful for the AMA's vision and leadership in this area.

According to an AMA spokesperson, as quoted in the March, 1992 Psychiatric Times, the bill is "something we've advocated because it relieves the paperwork burden and brings the whole concept of drug-tracking into the 20th century. Health agencies will screen the data, so there is less likelihood of review by drug enforcement officials. It will also advance patient care due to bad prescribing practices, which will be enhanced and improved through appropriate peer review."

DUPONT-MERCK SUPPORTS OKLAHOMA'S ELECTRONIC DATA TRANSFER (EDT) PROGRAM

The concept of using computer-based data for the purposes of improving patient care and enhancing enforcement activity appears to have the support of a leading U.S. drug company, Dupont-Merck. Speaking of their experience with the Oklahoma OSTAR program, first begun January 1, 1991, Dupont-Merck stated in a letter to me: "our records indicate very little if any change in the prescribing for our Schedule II products." Dupont-Merck's Schedule II products are the popular pain killers Percodan and Percocet, which account for about half of the pain killer market share. Continuing, Dupont-Merck states:

"Our conjecture is that nothing has changed in the prescribers' practice settings; consequently, practitioners continue to prescribe in a manner they know is appropriate and believe to be in the best interest of patient care."

Furthermore, Dupont-Merck reports:

"it is our understanding that the use of the Oklahoma program, to date, has primarily produced information by which 'doctor shoppers' have been identified and arrested. As stated above, with the use of EDT [Electronic Data Transfer] nothing changes in the prescribers' practice settings. Therefore, we believe it is reasonable to assume that enforcement activity directed towards those who are prescribing for other than legitimate medical reasons will be effective but won't affect legitimate prescribing."

COMPUTERIZATION: IT'S HAPPENED, SO LET'S MAKE IT WORK FOR PUBLIC POLICY PURPOSES

My legislation would not change the current practice of medicine in any way, shape or form. My legislation would not change the current practice of pharmacy in any way, shape or form. It would, however, change the software in the pharmacist's computer.

Today, at least 95% of all pharmacy operations are computerized, as are 80% of all doctor offices. Whether patients pay cash, are covered under Medicaid, or have prescription drug coverage under an insurance plan, the pharmacist keeps patient records by computer. It has been a trend for ten years now, and by the end of 1992, 100% of all pharmacies will be completely computerized. Why? Because insurance companies require it for efficiency and cost containment purposes and it allows doctors and pharmacists to be reimbursed in 5 days instead of 5 weeks.

President Bush, in announcing his national health care reform proposal in Cleveland in February, 1992, called for all Medicare and Medicaid claims to be made "electronically" and is proposing a "Smart Card" for the health care system. A Prescription Accountability and Patient Care Improvement program is a natural extension of these proposals.

GOALS

The legislation is designed to:

(1) address the underutilization (or overutilization) of controlled substances required for the treatment of special medical needs. It does this by providing State health agencies, medical membership groups, and patient advocacy organizations a means to better educate physicians and patients on ways to prescribe and take needed prescriptions involving controlled substances; and

(2) facilitate the implementation of the physician practice guidelines, particularly the anti-pain guidelines, currently being developed by HHS' Agency for Health Care Policy and Research (AHCPR); and

(3) facilitate needed substance abuse counselling treatment, at the physician's discretion, for those patients who may be needlessly addicted to these classes of drugs; and

(4) improve a State's ability to stop existing fraud and illegal diversion of these potentially dangerous and addictive drugs, estimated by HHS and the DEA to cause hundreds of millions, if not billions, in health care fraud and illegal drug trafficking of legal controlled substances;

These are goals which build on the established DUR principles, and existing data systems should be used to give the state-based DUR Boards the information necessary to do their jobs.

WHAT INFORMATION WOULD BE COLLECTED?

The measure would allow State health agencies to access number-based information on prescriptions of controlled substances in Schedule II, III, and IV through "electronic data transfer" using existing computer technology.

(1) The doctor's assigned Drug Enforcement Administration (DEA) number. Doctors today cannot write a prescription for a controlled substance without including their DEA number on the prescription.

(2) The pharmacy location's National Association of Boards of Pharmacy (NABP) number.

(3) A "unique identifier patient number," which will be coded for privacy reasons, to include, for example, either a Social Security number or a driver's license number. When a patient files a claim with their insurance company, the Social Security number, the driver's license number or some other assigned personal number are used.

(4) The date of birth of the patient recipient. This information will greatly assist the designated health agency in identifying abuses of drugs in certain patient populations. For example, benzodiazapene (tranquilizer) misuse and abuse is a significant problem in the senior citizen population, as can be the misuse of prescribing Ritalin (a Schedule II drug) to children for the treatment of attention deficit hyperactivity disorder.

(5) The National Drug Code (NDC) number for the drug, the quantity, and dosage units.

(6) The home State of the recipient. This helps states deal with the "patient crossing the state border" issue.

(7) The medical specialty of the physician (to be determined by the State licensing board and provided to the designated state health agency). This will help protect from needless audits doctors who write large numbers of legitimate prescriptions of various Schedule II, III or IV controlled substances. For example, oncologists regularly write large dosages of morphine, and for good reason. On the other hand, if a podiatrist writes a prescription for a large dosage of methamphetamine, then something's likely to be suspect.

WHY SHOULD THE INFORMATION BE COLLECTED?

(1) To Address Illegal Diversion

To fight illegal diversion, it's a case of efficiency. A Tulsa [OK] World story of June 21, 1991, "Drug-Tracking System May Be Model for States," explained;

"Illegal use of Schedule II drugs is a greater problem than illegal drugs such as marijuana or cocaine, said Rep. Gary Bastin (D-Del City). 'Prior to the electronic tracking program, investigators attempted to follow paper trails,' said Elaine Dodd, chief agent in the compliance division of the Oklahoma Bureau of Narcotics and Dangerous Drug Control. 'For an investigator to follow leads on a diversion case, he or she had to second-guess which of the 900 pharmacies in Oklahoma might have prescriptions, then spend days manually reviewing files,' she said.

"Diversion investigators were facing an impossible task in trying to identify locations of prescriptions and ultimate consumers," she said. A "combination of intuition and blind luck" was needed to build cases, she said. "The new computerized system allows investigators to quickly locate which pharmacies were visited by abusers."

In other words, a computerized system removes the investigator from the physician's office and pharmacy. Now, when the crack house is raided, and a prescription for a controlled substance is found, the investigator visits 12 doctors and 9 pharmacies to try to build a paper trail. In this process, many law-abiding physicians and pharmacists were needlessly involved. Under a computerized program, the investigators will know where the prescription in question is kept on file. [Note: under current federal law, prescriptions for controlled substances are kept on the pharmacy location for five years (under my bill this would not change).]

(2) To Better Educate Physicians and Patients

For education purposes, the information is a first step for health agencies and medical societies seeking to improve physicians' prescribing practices. For example, Michigan has a statewide multiple-copy prescription program, begun in 1989, where data is collected on Schedule II prescriptions. Michigan's Health Department has built a prescribing profile on physician's use of Ritalin, a Schedule II drug. Ritalin can be used under limited circumstances for the treatment of attention deficit disorder, or hyperactive children. The drug is not recommended by its maker for long periods of time—only in limited circumstances. The Health Department has evidence that a number of pediatricians and school-based nurse clinics prescribe Ritalin beyond the maximum cumulative dosage or exceeding the recommended duration. In cooperation with the Michigan Medical Society, the state Health Department has begun a series of educational seminars.

ASSURING PATIENT AND PHYSICIAN PRIVACY: DATA ENCRYPTION STANDARDS (DES)

My legislation will protect the privacy and rights of patients, physicians, and pharmacists and their ability to have access to needed medications by placing the strictest confidentiality safeguards on the system. I cannot overemphasize the need to protect the confidentiality of all patient and physician information, and I have stressed this in the legislation.

This bill will further enhance the patient confidentiality protections of existing antidiversion programs, called multiple copy prescription programs, that are in place in 10 States (CA, TX, MI, IL, NY, RI, IN, ID, HI, WA). These ten States, covering 45% of the country's population, have operated anti-diversion and anti-fraud programs for years—California, for example, since 1940—without a single case of a privacy violation to the patient, physician, or pharmacist. Confidentiality and privacy under multiple copy prescription programs has always been guaranteed. Millions of prescriptions are handled under these systems every year, with confidentiality assured. Nevertheless, my bill contains some strengthened provisions. I invite interested parties to participate in these privacy-protection efforts (in separate legislation I will introduce, the sale of all personal prescription and health records to drug companies and other third parties will be prohibited).

Let me be most clear: the Prescription Accountability system is number-based only—no "national data base" as some have mistakenly claimed; no "names in a computer" as some incorrectly assume. My proposal requires Data Encryption Standards (DES) developed by the National Institute of Standards and Technology (NIST), and relies on the highest standard of data security protections.

In layman's terms, all the number-based data attributed to an individual is "scrambled"—the doctor's assigned DEA number, the pharmacists' National Association of Boards of Pharmacy (NABP) number, the State-established patient unique identifier number (most likely the Social Security or state driver's license number) under this system

For example, suppose a patient's State driver license number was "123456789". Hypothetically, under encryption, the scrambling of that number would be stored in the computer as "935724618". Furthermore, the 9-digit number could be scrambled into a longer string of numerical digits, say a 50-digit string of numbers. This technique is standard for all secured computer systems which require tight controls on data. Unless one knows the full encryption code, even if a "hacker got in the computer," they'd be looking at useless information—a string of numbers with no meaning whatsoever.

Under my proposal, all the data collected by the computer in the designated health agency is administered by a panel of 5 health agency officials: two with solid backgrounds in prescribing, two with solid backgrounds in investigations, and the designated state health agency director. Only the designated state health agency director would know the full encryption code to unscramble the data. The four other panel members would know only ½ the encryption code. In other words, the prescribers and the investigators share the responsibility, serving as a "checks and balances." This design protects legitimate prescribing while also properly identifying cases of reasonable cause for further inquiry involving possible illegal activity.

AMERICA'S "OTHER" DRUG PROBLEM: WHY THIS LEGISLATION IS NEEDED

(1) To Address Diversion

Illegal diversion of legal controlled substances is estimated by the Drug Enforcement Administration as a $25 billion market.

A recent Los Angeles Times article reported the seriousness of illegal diversion:

"Quoting from the FBI, the report outlines a 'typical' Medicaid fraud and diversion scheme: A doctor writes an unnecessary prescription, billing Medicaid for a patient's visit [Note: the billing to Medicaid costs an average of $150] and for unnecessary tests [Note: x-rays and other tests average $75] that the physician ordered. The patient then has the prescription filled at a pharmacy that is taking part in the fraud. The pharmacist bills Medicaid after filing the fraudulent prescription."

"The patient then sells the unneeded drug to a drug 'diverter,' often using the money

for his narcotics addiction. After the diverter repackages and sells the drug to a pharmacy, it re-enters the chain of retail sales."

In other cases, the legal prescription is traded on the 'street' for illegal drugs, a practice commonly referred to as the "Valium for crack" drug trade.

Another article in the March 23, 1992 Drug Enforcement Report states:

"Officials from state after state are reporting rampant overprescription of some Schedule IV tranquilizers, well past the short term use recommended by medical experts. Abuse can lead to addiction and even death when overdosed with other drugs. Xanax, a relatively new tranquilizer, is openly sold outside drug treatment clinics because addicts have learned it intensifies the effect of methadone, making efforts to break addiction fruitless."

Drug enforcement officials also inform me that Xanax, Valium and other benzodiazapenes have, unfortunately, become the 'sister drug' to the crack and cocaine highs when used in combination. Xanax and Valium are often found on premises "when the crack house is raided." While these medications clearly have legitimate and meaningful applications for millions of Americans for mental health-related care, they are increasingly becoming subject to abuse and engaged in combination with the illicit drug trade.

(2) To Address Misuse and Abuse

An estimated 2 million seniors are either addicted to or at risk to addiction to tranquilizers. The Bush Administration estimates that 250,000 Medicare rehospitalizations are the result of adverse drug reactions. The National Institute on Drug Abuse (NIDA) reports nearly 90,000 overdoses to legal narcotics, painkillers, sedatives, and tranquilizers.

A HHS Inspector General's report states that between 1.5 and 2 million American seniors—or roughly 1 in 16—are either addicted to or at risk to addiction to benzodiazapenes (tranquilizers like Valium, Librium, Xanax, and Halcion). Inspector General Richard Kusserow refers to such addiction as "America's 'other' drug problem."

(3) To Address the Clear Undertreatment of Patients' Needs

There is also overwhelming evidence showing the undertreatment of certain medical needs, particularly cancer pain, AIDS-related pain, and mental health-related matters. The new Pain Treatment guidelines announced on March 5, 1992, by the Agency for Health Policy and Research and designed to more adequately treat Americans in pain are principles which I have incorporated in this comprehensive approach.

THE SOLUTION

The current system has failed, but new technologies offer opportunities for solutions.

Using existing computer data systems, the health care field will avoid mountains of paperwork, save Medicare and Medicaid hundreds of millions in waste, fraud and abuse, help law enforcement investigate, arrest and convict the Pill Mills, script doctors, and professional doctor shoppers. My proposal protects privacy. My proposal helps address the obvious undertreatment of patient needs by providing needed data to health agencies and medical societies to better educate physicians on proper prescribing practices.

My legislation does not change medical practice. My legislation does not change pharmacy practice. It simply changes the software at the point-of-sale. If protects patient and practitioner privacy. Legitimate prescribing is secured and the patient in need will not be affected—but the taxpayer will save billions in reduced illegal prescribing and waste, fraud and abuse in the system.

PARIMUTUEL WITHHOLDING

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SCHULZE. Mr. Speaker, today I, together with Mr. BUNNING, Mr. MCGRATH, Mr. MRAZEK and Mr. NOWAK, am introducing legislation to correct an inequity in the Internal Revenue Code that has caused serious problems for a segment of a taxpaying public and a productive and worthwhile industry. This legislation would modify the current parimutuel withholding tax on racing by raising the threshold from $1,000 to $5,000. This would make the withholding threshold the same as for other forms of state-sponsored gambling.

Parimutuel horse racing is a sport and recreational activity that is legal in 43 States. Both off-track and inter-track wagering is legal in the United States. In 1989, the latest year for which statistics are available, over 70 million people attended the races, generating nearly $600 million in direct revenue to the States from parimutuel taxes, track licenses, occupational licenses, admission taxes and miscellaneous fees. As a Member from the State of New York, I should emphasize that racing provides not only millions of tax dollars to our State, but also provides tens of thousands of jobs and pumps in hundreds of millions of dollars to our State economy.

The Internal Revenue Code presently requires racetracks to withhold 20 percent of any winning bets where the payoff is over $1,000 and the odds on the bet are 300 to 1 or higher. This withholding requirement was added to the law in 1976 at the suggestion of the Treasury Department, which alleged that many bettors were winning substantial amounts at racetracks, but not reporting the proceeds on their income tax forms.

Regardless of whether withholding was necessary or appropriate in 1976, the $1,000 threshold is, without any question, no longer appropriate. This is made evident by the $5,000 threshold that applies to State-sponsored and supported lotteries. In response to the tax compliance issue, it is important to emphasize that the Internal Revenue Service now also requires all tracks to report to the Service any payout in excess of $600 when the odds are 300 to 1 or higher. The legislation introduced today would not change, in any way, that reporting requirement. With the advanced computer compliance systems that are in place today that were not in place in 1976, there is little chance that a taxpayer will attempt to evade paying tax on a payout which is reported to the IRS, with or without withholding.

A significant effect of parimutuel withholding is to reduce the amount of money in circulation at racetracks. Every time a dollar is wagered at a parimutuel racetracks, a certain percentage is taken out of the betting pool. This "takeout" accounts for State revenues as well as revenues to the track and horsemen racing there. The larger amount bet, the larger the amount that is earned by the State and the track. Any money that is removed from this betting universe, such as by the Federal withholding requirement, reduces State taxes and income to the track and horse owners. It has been estimated by the American Horse Council that withholding reduces State tax revenues and industry receipts by $47 million annually, based on 1988 data.

Taxpayers generally view the withholding tax as an excise tax having no relation at all to one's true tax liability, which is usually zero. In order to file for a refund a taxpayer must give up the standard deduction and itemize deductions in order to claim offsetting losses and get a refund. This is often not a reasonable choice for lower income individuals. And even if that is possible, the record-keeping demanded by IRS to substantiate losses is equally unreasonable.

In addition, many racing patrons pay Federal income tax at the rate of 15 percent, but are having funds withheld at the racetrack at the rate of 20 percent. This is unfair to these taxpayers and causes racing serious public relations problems.

Unless the withholding threshold is raised to $5,000 parimutuel racing will not be able to compete on a level playing field with other gaming activities subject to withholding. State-sponsored and supported lotteries must withhold winnings only when they exceed $5,000. There is no rational basis for providing discriminatory treatment in compliance provisions such as the withholding threshold on winnings from gaming activities.

The racing industry, and the horse industry it supports, including thousands of breeders, trainers, jockeys and others, is having a difficult financial time. The entire equine industry depends on a health racing industry for survival. One factor causing a slump in the industry is the withholding requirement.

Considering the inequity and damage associated with this seemingly insignificant measure, I hope that my colleagues will agree that it is worth correcting.

This approach will eliminate the regressive effects of the tax and the bulk of the reduction in State and industry revenues while still maintaining a withholding assessment on larger payouts more likely to represent net income to the recipient.

This correction is worthwhile, fair and necessary to an industry that has been severely hurt by the present Tax Code. I hope that all Members can recognize this and particularly urge Members from States with racing and breeding industries to join me in this effort.

A TAX LOOPHOLE IS INCREASING THE COST OF THE SAVINGS AND LOAN BAILOUT

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. RINALDO. Mr. Speaker, financial takeover artists and tax lawyers in search of a bo-

nanza are latching on to failed savings and loan institutions and striking it rich. For a relatively modest amount of money, some investors have acquired not only an S&L and its assets, but also huge Government subsidies and guarantees spanning a 10-year period.

During banking committee hearings on funding the savings and loan bailout, investigators disclosed that one wealthy investor in Texas put up only $1,000 of his own money to purchase Bluebonnet Savings. In return, the Government promised almost $3 billion in tax-free subsidies and guarantees over 10 years. Witnesses testified that the deal was so lucrative that Bluebonnet became one of the most profitable thrifts in the United States, all from tax-free subsidies.

Under the current Tax Code, wealthy thrift operators can make hundreds of millions of dollars on financial losses that are guaranteed by the Government, not lose a penny of their own investment, and still take additional tax deductions for losses incurred as the value of the S&L assets declines.

Congress can save the American taxpayers billions from the cost of the savings and loan bailout by closing this tax loophole. The tax benefits available to federally insured thrift institutions that were taken over by the Resolution Trust Corporation for 1988–89 amounted to $4.2 billion in lost revenues, according to the Treasury Department.

Shrewd deal makers and tax lawyers are taking the Government for a ride while they play hocus pocus with the Tax Code, and the costs of the S&L bailout continue to escalate. The more you lose, the more you make in tax breaks and subsidies. It is the deal of the century, and we are paying dearly for it.

President Bush's package of tax cuts, which has been stalled in Congress, includes a provision to eliminate tax-free interest payments and to recapture a larger portion of the tax benefits. Mr. Speaker, I urge the Members of this House to close off this loophole and to consider such legislation separately if no action is taken on President Bush's tax cut plan.

The savings and loan bailout has already cost far too much money and has strained the patience of the American taxpayers. We in the House of Representatives should act quickly to stem the losses.

HONORING WILLIAM F. JAIME

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues today to pay tribute to and honor a distinguished resident of the 18th Congressional District, William F. Jaime, for his dedicated service to Sanger High School and the community of Sanger over the past three decades.

As this school year draws to a close, Bill Jaime will conclude a long and distinguished career as Sanger High School's music and band director. During his career at Sanger High, he has brought both musical recognition and a love of music to our school and community.

Bill Jaime joined the staff of Sanger High School in 1963, and has since earned the name of Sanger's Music Man. His distinctive talent as a musical director and teacher have shone at various music festivals. During his career Jaime's instrumental music students were awarded 25 superior ratings by the adjudicators of the Music Educators Association, and his jazz bands have had equally impressive showings, consistently earning numerous superior ratings as well.

In addition to his outstanding service to Sanger High School, Bill Jaime has enriched our community through the years with his special talents. Jaime's musicians have participated in civic and military functions throughout the Fresno County area, cementing a positive relationship among the school, students, and the surrounding community.

Though a professional-level performer himself, Bill Jaime never lost sight of his primary goal in music: the development of students' awareness to music and utilizing their skills to express that awareness. Because of his professionalism and dedication to his position, Jaime has become a role model for many of his students who have gone on to distinguished professional and educational music careers. Whatever their future career plans, Jaime has inspired his students, bringing to them his love of the art and appreciation of music.

Mr. Speaker, as an alumnus of Sanger High, I had the opportunity to personally witness the magic of Bill Jaime's music, and it is with great pleasure and pride that I take this opportunity to honor Mr. William F. Jaime on the floor of the House of Representatives. For his 30-year career, he has been a credit to the teaching profession and an inspiration to the local music community. His presence at Sanger High School will be greatly missed, yet I am confident that Jaime will continue to have an influential and inspirational role in the lives of the people and community of Sanger.

CORRECTION TO COSPONSOR LIST ON H. RES. 271

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mrs. BOXER. Mr. Speaker, I would like to take this opportunity to rectify a clerical error. Representative MAXINE WATERS was inadvertently deleted from the list of original cosponsors on my bill House Resolution 271, calling upon the President to rescind the policy banning gays and lesbians from the military.

Representative WATERS is a leader in the House on this issue, and I would like the record to reflect that she should be considered an original cosponsor of this bill.

I thank MAXINE for her commitment, and look forward to working with her toward passage of this important measure.

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. McGRATH. Mr. Speaker, I again want to take this opportunity to reflect on the annual Days of Remembrance of Victims of the Holocaust.

During my years as a public office holder in Nassau County, NY, I have had the honor of meeting many Holocaust survivors. Most survivors had relatives who did not return from the Nazi concentration camps. The stories I have heard are the most gut-wrenching and horrible accounts I could ever imagine. Yet, all descriptions of life in these "camps" express heroism and valor. The gallant struggle of the millions of Jews that were herded like cattle to eventually die in the bleakest of conditions is a tribute to the ability of man to overcome all that is terribly wrong with dictatorship regimes and totalitarian rule.

In recent years, we have seen a movement by some fanatical groups in this country claiming that the Holocaust did not even happen, that this dark segment in world history did not even take place. As ludicrous as this initially sounds, it is a reflection of the degree of anti-Semitism that still exists today. That is another reason we observe these Days of Remembrance. To simply let the Holocaust slip into history will only serve the interests of these hate groups.

Additionally, this year's observance comes at a time when we are marking the 50th anniversary of the commencement of the systematic genocide at Auschwitz. Perhaps no place in the history of mankind is as much associated with terror and horror. The mere mention of the word "Auschwitz" stirs memories that pronounce anger and empathy.

Today, thousands of young people from all over the world will march at Auschwitz to mark the steps of the millions that went before them. They will march to proclaim life over death and vigilance in the face of ignorance. I want to offer them my sincere appreciation and heart-felt thanks for understanding the need to keep the lessons of the Holocaust alive.

The Days of Remembrance, observed all this week are designated each year by the United States Holocaust Memorial Council. Next year at this time, we may observe the Days of Remembrance at the Holocaust Memorial on The Mall. With most museums, we can't wait for them to open their doors. However, the Holocaust Memorial is different. The Holocaust Memorial will be a shrine to the 6 million who perished while at the same time be a learning center. Guests will be invited to participate and learn of the stories of individual Holocaust victims. The memorial will be a moving place, indeed.

Mr. Speaker, I urge all Members to please remember the short two-word verse repeated by Jews worldwide: "Never Again!" Never again will anyone strike the terror endured by the Jews during the Holocaust. By observing the Days of Remembrance, we educate our youth of the horror of only 50 years ago and

honor the victims, both living and dead, of the grim exhibit of man's inhumanity to man.

AMERICAN INDIANS MANAGED THE EARTH WITH CARE?

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article by Gary Paul Nabhan and Kat Anderson in the fall 1991 edition of Wilderness magazine entitled Gardeners in Eden. The article suggests that while American Indians did not leave their land untouched, they did manage it very carefully.

GARDENERS IN EDEN

(By Kat Anderson and Gary Paul Nabhan)

A Native American elder sets a fire under the oaks to destroy duff infested with acorn weevil in Yosemite Valley. Edging a nearby stream, a dull-brown, gnarled big-lead maple is pruned by a basketmaker, so that it will produce straight, siennahued sprouts for her next season's weavings. The sticky rhizomes of a bracken fern are dug up by Miwok Indian women over by Mirror Lake, loosening the soil and transforming the patch into a garden. . .

These Yosemite landscapes, shaped by centuries of Indian burning, pruning, sowing, weeding, coppicing, tillage, and selective harvesting, were the same ones early Europeans and later generations of nature-lovers were wont to view as unmarked by human manipulation. Few whites could recognize the ingenuity of indigenous management practices that encouraged the growth and maintenance of a variety of wild resources—not even John Muir, who spent more time rambling though the region than any other person of his time (and most since). Muir exemplified the Euro-American urge to fully experience the wildness of the Sierra. Yet not only the Yosemite trails he walked upon but the vegetation mosaic he walked through were the legacy of Miwok subsistence ecology; he simply missed all but the most blatant signs of indigenous land management. "How many centuries Indians have roamed these woods nobody knows," he wrote on one occasion, "but it seems strange that heavier maks have not been made. . . . Indians walked softly and hurt the landscape hardly more than the birds and squirrels, and their brush and bark huts last hardly longer than those of wood rats, while their enduring monuments, excepting those wrought on the forests by fires they made to improve their hunting grounds, vanish in a few centuries."

The selective vision of Muir and the other early preservationists influenced an environmental movement that ever since has generally perpetuated the myth of pre-Columbian America as a virgin, nearly uninhabited wilderness. The tradition was echoed in the famous 1963 "Leopold Report" to the National Park Service, which declared that each large national park should maintain or recreate a "vignette of primitive America," seeking to restore "conditions that prevailed when the area was first visited by the white man"—this in spite of the fact that as many as twenty million indigenous people were hunting, gathering, burning, tilling, and otherwise managing North America when Columbus appeared to them.

And, for the most part, doing a better job of it than we have since.

When Hernan DeSoto and his soldiers entered what is now South Carolina in 1540, the chronicler of their adventures noted that they "journeyed a full league in garden-like lands where there were many trees, both those which bore fruit and others; and among these trees one could travel on horseback without any difficulty, for they were so far apart that they appeared to have been planted by hand." Some probably were, as it happened. Careful reconstructions of historic landscape ecology made by ethnohistorian Julia Hammett has demonstrated that Southeastern Indians managed such landscapes by burning, clearing, and subsequently replanting useful trees into parklike patches. "Apparently," she says, "Native Americans initiated and maintained parklands extending perhaps several miles beyond the obvious limits of their towns."

Ethnobiologist Eugene Hunn believes that enough fragments of these traditions have become known that we can now "firmly reject the stereotype of hunter-gatherers as passive food collectors in opposition to active, food-producing agriculturists." In some scholarly circles, there are those who would go even further, contending that native peoples commonly depleted the most highly valued local fuelwood and wildlife resources before moving on to ravage another area; only when their population densities remained low and their technologies primitive could they escape the consequences of their destructive habits.

This interpretation—like that which holds that the Indians had virtually no impact at all—ignores the vast terrain between the two extremes. If either of these stereotypes were generally true, we would not see the development of the sophisticated taxonomies, taboos, and management practices for key wild resources that were so widespread among Native communities. It is more likely that indigenous cultures developed conservation practices when it became clear that important resources were getting scarce; the more crucial the resource, the stronger the practice became. The Paiute in western Nevada, for example, otherwise would have had no reason to cut bow staves from juniper trees as they did—in a manner that did not kill the trees but instead ensured the continued production of straight-grained wood from the same trees. Other Paiute would not have gone to the effort of irrigating stands of wild hyacinth and yellow nutgrass in the Owens Valley of California, increasing their yields severalfold. Likewise, the Ojibway along Lake Superior's marshlands would have had no reason to replant about a third of their wild-rice harvest to ensure a yearly increase, or to have sown additional stands where they did not formerly exist.

Centuries before the United States Congress passed the Sustained Yield and Multiple Use Act of 1960, the harvesting techniques employed by many Native Americans allowed for the sustained-yield production of wild plants. Rhizomes of bracken ferns used in Pomo basketry and sweet flags used for Pawnee medicines were dug in ways that stimulated new rhizomes to grow into "spur" plants. Mushrooms were gathered in a way that did not disturb the mycelia in order to ensure future production. Subterranean foods, such as groundnuts, yampah, tiger lilies, and Indian celeries, were harvested in quantity, but many bulblet, cormlet, and tuber fragments were purposely left in the loosened earth with less competition to deter their growth the following season. For many curative plants, Navajo medicine men still refrain from harvesting from the same stand two years running, granting periods of rest and regrowth between those of tillage and extraction.

From experimental ecological and horticultural studies on key resource plants, it has become clear that certain traditional gathering methods stimulated and sustained yields much as pruning and fertilizing aid orchard crops. What is intriguing is that the historic levels of production common to well-known subsistence grounds may have been achieved by human mediation. Today, Indian elders across the country remember a more abundant America, before the disruption of their traditional management strategies.

In the absence of human-set fires, for example, the berry bushes of Oregon no longer produce the thick crops of huckleberries recorded in oral histories. The hazelnut and beargrass of northwestern California's forests are regarded by Native basketmakers to be of poorer quality today. In the Sonoran Desert's dunes, an underground parasitic plant called sandfood is now considered endangered in two states, yet it was historically encountered year-round over a large area where Sand O'odham Indians once migrated. The few remaining Sand Indians claim that it has decreased in abundance and quality since their people were no longer able to gather it on a regular basis, which stimulated the branching of sweeter, more tender tissue—though others say it is because of the decline in the O'odham rainmaking traditions. "There was plenty of rain in those days," Sand Indian elder Alonso Puffer remembered, "and the desert yielded lots of food. The Sand Indians dug up a sweet potato-like plant with long roots that grew in the sand, and they ate it raw. Now these same plants are very bitter. They don't taste the same."

Conservation biologists have recently come to appreciate the fact that Native Americans not only were stewards of major food resources, they also protected certain plants and animals that were too rare to have ever been valued on utilitarian grounds alone. In New Mexico, prehistoric Indians apparently safeguarded a chance hybrid between two cholla cacti that are seldom found together today. The hybrid cactus, known as *Opuntia viridiflora*, now persists only around ancient pueblo sites in the Upper Rio Grande watershed, where urbanization and other non-Indian land uses currently threaten it.

Similarly, over twenty species of threatened Arizona desert cacti and herbs are known, named, and nursed along by the Tohono O'odham, desert people who protect in natural habitat or in their home gardens some of the few remaining populations of these rarities. Although some of these plants continue to be used occasionally, the O'odham cite reasons other than pure economics for being concerned about the sur-

vival of the species; their importance to cultural identity and history is demonstrated by their association with sacred places and stories.

Indigenous peoples have managed their surroundings on many levels. Often, a woodland was manipulated to encourage the growth of selected species: oaks to produce acorns, mock orange trees to produce arrows, or elderberries to produce flutes. Throughout the Sierra Nevada today, there remain a handful of Maidu, Miwok, and Mono elders who carefully prune individual redbuds to stimulate the production of long, blood-red sprouts, cherished for basketry designs. Old, crooked, insect-infested branches are snipped away. When the women return the following season, each shrub has been miraculously transformed into a storehouse of straight, supple, deep-colored suckers suitable for basket-weaving. "It's like pruning an apple tree to increase your apple supply," one weaver said when interviewed. "Before these tools came along," said another, referring to her pruning shears, "my grandmother used to pile brush onto redbuds, willows, and sourberries, and light them on fire to get the nice sprouts."

While redbud frequently grows singly or in small patches, plants such as sedge, sawgrass, and bracken fern flourish in dense stands that demand another kind of management to sustain their productivity. If you walk with Pomo women into their favorite sedge populations along central California rivers, you will see rigorously weeded gardens of evenly spaced plants that have been carefully tended for the "white root"—a rhizome prized in basketry. These small, single-crop "sedge fields" are managed to produce a continuous supply of long, straight rhizomes with no subsequent branching. Elders of the tribe assert that pruning the white root exposes the plants to no more disturbance than they can tolerate naturally; the impact is not unlike that of periodic flooding or rodent burrowing. "And if we don't use these plants," one Pomo woman said, "they'll die."

The comment was no mere rationalization. It was supported by observation of sedge patches that have not been worked in years. Tangled masses of weedy annuals are mixed with sedges "that are no good"—their white roots are short, with kinks, knots and bends that render them unsuitable for weaving. In contrast, when rhizomes are dug up and pruned off a mother plant, this process reinitiates production of appropriately shaped "white root." Pomo Indians are considered among the best basketmakers in the world, but the quality of their work results from tending plants in the wild quite as much as from meticulous preparation and the actual weaving.

Many indigenous cultures know forests as well as they know individual trees. Certain American cultures are cognizant of "species guilds," associations of flora and fauna that they sometimes manage to their benefit. Indians throughout the arid subtropics and tropics not only know where wild chiles grow, for example, but under what shrubs the peppers grow and which birds dispense the seeds of both. The Chontal Maya of Tabasco, Mexico, conceptually associate the Great Kiskadee with wild peppers, and intentionally open up small patches in the forest to which these birds disperse the chile seeds—which the Mayans can later harvest.

Traditional managers of wildlands also classify and manipulate habitat mixes much as they do plant populations. Some of the habitat mosaics are anthropogenically maintained; that is to say, Native managers keep vegetation communities in different stages of succession, in clear proximity to one another, to maintain the heterogeneity of plants and animals that can be gathered there. Through burning or clearing to create "ecotones" or "habitat edges," these people have hit upon the same processes that some professional foresters have discovered to increase wildlife abundance or diversity. (There are, however, key differences: the logging industry often uses "wildlife habitat enhancement" as its obfuscation for simply eliminating old growth and planting uniform stands in its stead.)

Environmental historians Stephen Pyne and Henry T. Lewis have demonstrated that burning to sustain habitat for animal populations critical to tribal subsistence was a widespread tradition in America. On the prairie/woodland edge, fire enhanced buffalo habitat; in the tules of the Colorado River watershed, it favored wood rats and cottontail rabbits; in the Great Basin, deer and antelope increased following burns; and in California, hunters gleaned grasshoppers, hares, and deer from recently burned woodland edges.

The best-known examples of such Indian-created habitat are the twin Sonoran Desert oases of Quitovac and Quitobaquito, the latter in Organpipe Cactus National Monument, Arizona. Through burning, flood-irrigating, transplanting, and seed-sowing to create different contiguous patches of vegetation, O'odham families have nurtured a diversity of plant and bird species far greater than that for any areas of comparable size in the Sonoran Desert.

Yet after the last O'odham left Quitobaquito in the 1950s, a park superintendent decided to deepen the oasis pond, eliminate burning and irrigation for pastures and orchards, and halt any replanting of cottonwood, willows, or other wild plants native or non-native. As the oasis lost is dynamic nature, biologists began to notice declines in the endangered pupfish and mud turtle populations there. Fortunately, subsequent park managers and biologists became concerned and began to look for management options that might reverse the process. Ironically, they independently came upon some of the same management practices that the O'odham had used there in previous decades (and are still used at Quitovac): the periodic flooding of tree stands; diversifying water depths to encourage a wide mix of semi-aquatic plants; transplanting mesquite and other natives; and cleaning out dead fall in microhabitats where it inhibits sprouting of other plants. Quitobaquito is now "recovering"—if not to its pre-human condition, at least to the dynamic commingling of natural and cultural processes that encouraged high biodiversity. The National Park Service recently received the Arizona Regis-Tree Award from a coalition of conservation groups, Native American heritage projects, and sustainable agriculture organizations in gratitude for reversing the loss of plant genetic resources at Quitobaquito.

The Quitobaquito management history is but one example of recent scientific investigations validating the conservation benefits of traditional wildland practices based in indigenous science. Whereas "disturbance" was once categorically considered a dirty word to most conservation biologists and wilderness advocates, it is now recognized that some wild plants and animals require a certain level of exposure to fires, floods, or loosened soils to rejuvenate their populations. For centuries, indigenous cultures provided low to medium level disturbance in small patches, and in the absence of this, it is probable that a number of disturbance-adapted species have declined. In the Indiana Dunes National Lakeshore, for instance, biologists have confirmed that a large portion of the area's endangered plants require anthropogenic disturbance to persist. Without periodic fires and newly formed blowouts in the dunes, these plants would be locally extirpated.

Western scientists have found several reasons for deferring to the folk science of indigenous peoples. In the Sonoran Desert, only about one fifth of all the endangered plant species have been adequately studied. Government agencies seldom provide more than $5,000 per species for a year of data-gathering required to locate, protect, or rescue a threatened plant. In contrast, well over a quarter of this endangered desert flora is intimately known by Native American dwellers, who have detailed knowledge of changes in the distribution and abundance of these species. By working with elderly Indian residents, Navajo biologiest Donna House has tracked down a number of additional populations of rare desert plants formerly unknown to conservation biologists. Assistance from such Native American consultants can help endangered plant surveys go much further on the little resources available to them.

Indigenous knowledge and management can also help with the reintroduction of wildlife and the restoration of habitats. In central Australia, where a third of all desert mammals have disappeared in the last fifty years, zoologists Ken Johnson and Andrew Burbridge requested assistance from aborigines in reversing this trend. Cognizant that the few mammalogists who had preceded them in the Tanami Desert had left little in the way of distributional records to go by, they began to talk with aboriginal elders who had spend decades in the bush observing wildlife. These elders helped Burbridge and Johnson target microhabitats suitable for translocations of rufous hare-wallabies and bilbies from remnant populations and then offered suggestions about fire management of the vegetation.

Indigenous people of North America have initiated several of their own efforts to better conserve and manage wildlands. The Salish-Kutenai tribes of the Northwest have designated the Mission Mountain wilderness area on reservation lands to protect grizzly bear habitat. Likewise, on the Yakima and Warm Springs reservations, considerable land has been set aside for wildlife reserves, where tribal law forbids hunting. The Navajo Nation has collaborated with the Nature Conservancy as a Natural Heritage program to inventory rare plants, animals, and habitats on the largest reservation in the United States. And recently, the Tohono O'odham Nation followed the lead of their Gila River Pima relatives and has worked to strengthen its native-plant protection laws to preserve both cultural and natural resources. And in reviewing their tribal regulations, Natural Resources committee members discovered that the first act ever passed through their founding Tribal Council a half century ago sought to prohibit the destruction or removal of native cacti from the Tohono O'odham reservation.

We see such efforts as a returning to *sources*, and it is worth reflecting on the root meaning of the work *resource*. That root is not "an economic commodity" or "raw material," but the Old French *resoudre*, "to rise again," or "to recover." It is often noted

that wilderness is the ultimate wellspring of life, and for that reason we must revive its significance in our modern society. We may also want to recover a sense of how ancient place-based cultures studied, used, managed, and protected wildlands, for those diverse traditions may offer us some options for the future not presently contained in Western schemes for the scientific management of wilderness.

And perhaps there remains the possibility of regaining something still larger: the capacity for future generations to behave as *natives* once more, to belong to particular landscapes, instead of being endlessly adrift in a cosmopolitan sea where each place is treated just like any other. When such a sensibility reemerges among modern cultures, they will have begun restoring their ability to coexist with wild creatures, and wilderness with "not man apart" from it will become more than just another slogan.

A BILL TO PROTECT DEFENSE NUCLEAR WORKERS AND THE SUPPORTING COMMUNITIES

HON. TONY P. HALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce a bill that protects defense nuclear workers. This legislation guarantees that these workers will no be forgotten as we move to reduce our nuclear weapons complex. An identical bill has been introduced in the Senate by Senators GLENN, WIRTH, GORE, and GORTON.

Workers for the Department of Energy nuclear weapons facilities have been building nuclear weapons for over four decades. This is a dangerous line of work, and one of the most important to our national security. But for the foreseeable future, the United States will no longer be in the business of building bombs. And, as a result, thousands of dedicated defense-related workers will be forced to find a new line of work.

Mr. Speaker, I find it unfortunate that the work force that made the cold war victory possible for the United States is the very work force that could suffer the most from this victory. I believe it is essential that we take care of these workers and the supporting communities even after they leave the industry, or the industry leaves them.

My bill does four things. First, it requires the Department of Energy to establish a work force restructuring plan that will minimize the economic impact of reducing our weapons complex. This includes worker retraining and relocation assistance, and economic assistance to affected communities. This section ensures that DOE will utilize the current work force to the extent possible for continuing operations at a smaller complex and for cleaning and restoring the facilities that are closed down.

This legislation also requires DOE contractors to recognize existing collective bargaining agreements and labor organizations, and honor the pensions and insurance programs already in force. This section makes sure that the transition from production to cleanup at DOE facilities will not be used as an opportunity to undercut labor contracts.

My bill requires DOE and the Department of Health and Human Services to establish guidelines for testing employees who have been exposed to dangerous substances. Once these guidelines are in place, DOE must notify employees of the seriousness of their exposure, and continue monitoring their health. This monitoring provision is particularly important because it will allow us to study the long-term effects of exposure to radioactive and hazardous substances.

And finally, my bill establishes a health insurance program that covers work-related illnesses for former DOE defense employees. Defense nuclear workers have special medical needs due to years of exposure to radioactive and hazardous materials. Prospective employers and their insurance carriers recognize that these needs could be a serious liability. This provision ensures DOE workers health coverage even if new employers and their insurance carriers refuse to provide it.

Mr. Speaker, I believe we are all relieved that the cold war has come to a close and that we as a nation can focus on building peace with the former Soviet republics. We should not forget the dedication and hard work of those who helped to bring us where we are today. I encourage my colleagues to join me in recognizing this dedicated work force and the supporting communities by cosponsoring this important piece of legislation.

H.R. 5039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—Subject to subsections (b) through (e) and not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall develop, issue, and commence implementation of a plan for the restructuring of the employee work force of the Department of Energy defense nuclear facilities.

(b) PLAN REQUIREMENTS.—In developing and implementing the plan referred to in subsection (a), the Secretary shall provide that—

(1) any changes in the function or mission of the Department of Energy defense nuclear facilities be carried out by means that minimize the economic impacts of such changes on Department of Energy employees at such facilities, including the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located and the use of retraining, early retirement, attrition, and other similar means to minimize the number of layoffs of such employees that result from such changes;

(2) such employees whose employment in positions at such facilities will be terminated as a result of the restructuring plan receive first preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1682)) that occurs after the issuance of the plan;

(3) such employees be retrained in a timely fashion and as necessary for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy;

(4) the Department of Energy provide relocation assistance to such employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) the Department of Energy provide appropriate employment retraining, education, and reemployment assistance (including employment placement assistance) to such employees who express an intent in writing to seek employment outside of the Department of Energy before such employees complete employment with the Department of Energy; and

(6) the Department of Energy provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) program carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(c) PLAN UPDATES.—Not late than 1 year after issuing the plan referred to in subsection (a) and on annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) provide for the requirements referred to in subsection (b), taking into account any changes in the function or mission of the Department of Energy defines nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(d) CONSULTATION.—

(1) IN GENERAL.—In developing the plan referred to in subsection (a) and any updates of the plan under subsection (c), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of Department of Energy employees, appropriate representatives of departments and agencies of State and local governments, appropriate representative of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) APPROPRIATE REPRESENTATIVES.—The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(e) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan referred to in subsection (a) and any updates of the plan under subsection (c) to the following:

(1) The Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services of the Senate.

(3) The Committee on Energy and Natural Resources of the Senate.

(4) The Committee on Appropriations of the Senate.

(5) The Committee on Government Operations of the House of Representatives.

(6) The Committee on Armed Services of the House of Representatives.

(7) The Committee on Energy and Commerce of the House of Representatives.

(8) The Committee on Appropriations of the House of Representatives.

SEC. 2. REQUIREMENTS RELATING TO CONTRACTS FOR ENVIRONMENTAL RESTORATION AT DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES.

(a) CONTRACT REQUIREMENTS.—Except as provided in subsection (b), in entering into a contract (including a contract entered into as a result of renegotiation) for the procurement of environmental restoration and waste management activities at a Department of Energy nuclear defense facility, the Secretary shall require that the contractor and any subcontractor of the contractor—

(1) recognize—

(A) any collective-bargaining agreements in force at the facility on the date of the contract; and

(B) any labor organizations (as defined in section 2(5) of the Labor Management Relations Act, 1947 (29 U.S.C. 152(5))) or other bargaining agents authorized to act on behalf of the employees of the facility on that date;

(2) employ under that contract any employees in the collective-bargaining units at the facility on that date;

(3) assume the liability and obligations of the pension programs of the preceding employer at the facility, if any, for the employees of that preceding employer (including employees covered by collective-bargaining agreements and employees not so covered) that the contractor retains under the contract;

(4) continue the pension programs in force for such employees; and

(5) credit any period of employment of such employees with the preceding employer toward the requirements of the contract relating to vacations, sick leave, and other employment related benefits (including health insurance benefits).

(b) LIMITATION.—The requirement referred to in subsection (a)(5) shall not apply to any severance payment, benefit, bonus, or entitlement of a salaried employee of a preceding employer under that subsection.

SEC. 3. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—In establishing and carrying out the program referred to in this section, the Secretary shall—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) prescribe guidelines for determining the levels of exposure to such substances that present such employees with significant health risks;

(C) prescribe guidelines for determining the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to such employees to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) identify (pursuant to the guidelines referred to in subparagraph (B)) each employee referred to in subparagraph (A) who received a level of exposure referred to in subparagraph (B); and

(E) provide (pursuant to the guidelines referred to in subparagraph (C)) the evaluations and tests referred to in subparagraph (C) to the employees referred to in subparagraph (D).

(2) CONSULTATION AND CONCURRENCE REQUIREMENTS.—

(A) The Secretary carry out his responsibilities under subparagraphs (A) through (C) of paragraph (1) with the concurrence of the Secretary of Health and Human Services.

(B) In prescribing guidelines under paragraph (1)(C), the Secretary shall permit the participation of appropriate representatives of the following entities:

(i) The American College of Physicians.

(ii) The National Academy of Sciences.

(iii) Any labor organization or other bargaining unit authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(C) The Secretary of Health and Human Services shall carry out his responsibilities under this paragraph with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health.

(3) NOTIFICATION.—The Secretary shall notify each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(4) INFORMATION COLLECTION.—The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(5) COMMENCEMENT OF PROGRAM.—The Secretary shall commence carrying out the program described in this subsection not later than 1 year after the date of the enactment of this Act.

(c) AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services pursuant to which the Secretary and the Secretary of Health and Human Services shall carry out the respective activities of the Secretary and the Secretary of Health and Human Services under this section.

SEC. 4. HEALTH INSURANCE PROGRAM FOR FORMER DEPARTMENT OF ENERGY EMPLOYEES.

(a) PROGRAM.—The Secretary of Energy shall carry out a program to provide for the insurance of the Department of Energy employees referred to in subsection (b) to cover all reasonable expenses for the health care services referred to in subsection (c) incurred (whether through insurance or out-of-pocket) by such employees.

(b) EMPLOYEES COVERED.—

(1) IN GENERAL.—Subject to subsection (d), employees described in this section are any individuals who—

(A) were (but are no longer) Department of Energy employees employed at defense nuclear facilities;

(B) as a result of such employment, have received a level of exposure to hazardous substances or radioactive substances that poses a significant risk to the health of such employees;

(C) as a result of that level of exposure, have developed a significant illness, disease, or clinical sensitivity; and

(D) are not entitled to benefits relating to the illness, disease, or clinical sensitivity under the medicare program or any other health insurance plan or program.

(2) DEFINITION.—For purposes of this subsection, the term "medicare program" means the program described under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) REASONABLE EXPENSES FOR CERTAIN HEALTH CARE SERVICES COVERED.—Subject to subsection (d), reasonable expenses for health care services described in this subsection are expenses in a reasonable amount for health care services that are medically reasonable and necessary for the treatment of any employee referred to in subsection (b) for any illness, disease, or clinical sensitivity developed by that employee (as determined by the Secretary pursuant to subsection (b)(1)(C)).

(d) STANDARDS FOR DETERMINATIONS.—

(1) IN GENERAL.—The Secretary (with the concurrence of the Secretary of Health and Human Services) shall prescribe any standards that are necessary to facilitate any determinations relating to the eligibility of employees for insurance under subsection (b)(1) and the reasonableness and necessity of services and expenses under subsection (c).

(2) CONSULTATION REQUIREMENTS.—

(A) The Secretary of Health and Human Services shall carry out his responsibilities under this subsection with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health.

(B) In establishing standards under this subsection, the Secretary shall permit the participation of appropriate representatives of the following entities:

(i) The American College of Physicians.

(ii) The National Academy of Sciences.

(iii) Any labor organization or other bargaining unit authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(e) ADMINISTRATION.—The Secretary of Energy may carry out this section directly, through a memorandum of understanding with an appropriate Federal department or agency, or through a contract with an appropriate health insurance carrier or administrator.

(f) EFFECTIVE DATE.—The Secretary of Energy shall establish the reinsurance program under this section not later than 6 months after the date of the enactment of this Act. The program shall apply to expenses incurred for services furnished on or after the date the program first becomes effective.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY.—The term "Department of Energy defense nuclear facility" means the following:

(A) A production facility or utilization facility (as such term is defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina, and the Mound Laboratory, Ohio). Such term does not include any facility that does not conduct atomic energy defense activities.

(B) A nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary.

(C) A testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the test site facility

in Nevada, the Pinnellas Plant in Florida, and the Pantex facility in Texas).

(D) A nuclear weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories).

(E) Any facility described in subparagraphs (A) through (D) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) DEPARTMENT OF ENERGY EMPLOYEE.—The term "Department of Energy employee" means—

(A) any employee of the Department of Energy employed at a Department of Energy defense nuclear facility; and

(B) any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

TRIBUTE TO HON. ANTHONY J. CEFALI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to an extraordinary man, the Honorable Anthony J. Cefali, former city judge of Hobart, IN.

Judge Cefali devoted his long and distinguished career to public service. As Hobart's first elected city judge, he implemented many innovative programs during his 28 years of service. When budgetary cuts affected the court's funding, he instituted a program to utilize students to assist the court in various capacities. He sought students from Valparaiso University to provide legal representation to indigent defendants. He also recruited students from a local court reporting school to perform various tasks. These programs not only conserved court funds but also provided an excellent opportunity for students to gain actual courtroom experience and receive course credit for work completed.

Prior to his 1991 retirement, Judge Cefali also introduced a court probation program, which allowed many offenders to perform community service at local community organizations. The program has been very popular because the offender is able to make a meaningful contribution to the community, and community organizations gain much needed help.

Judge Cefali's avid support for community service is also reflected in his civic activities. As a past president of the Lake County Library Board, he served as a board member for 19 years. He was also active in the March of Dimes campaign, the American Legion and the Veterans of Foreign Wars. Because of this dedication, he was recently bestowed the honor of receiving the Sagamore of the Wabash Award, the highest honor given by the Governor of Indiana.

I commend and honor Judge Anthony J. Cefali. His lifelong achievements are truly extraordinary. His innovative ideas, social commitment and leadership should be a model and inspiration for us all.

MICHAEL PAPPAS: A NEW GENERATION OF LEADERSHIP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Michael Pappas, who was recently featured in the South Florida Business Journal upon becoming the new president of the Keyes Company, the largest independent real estate firm in South Florida. The article, "Filling in the blanks" by Melinda Zisser tells how Mr. Pappas, a Miami native, is the second generation of leadership in the company after his father, Ted:

Michael Pappas' job hasn't changed. Just his title.

"I got new business cards," he says.

Last month, at 33, an enthusiastic Pappas reached the president's desk in the Keyes Co. where his father Ted emerged as a local industry giant. Fred Smith, Keyes' former president, has moved up to vice chairman, while Pappas' father remains in the chairman's position.

The younger Pappas, a Miami native, is the second generation in a second-generation firm; head of the largest independent residential real estate firm in South Florida with more than 1,700 agents in Dade, Broward and Palm Beach counties. Together, those agents handled more than $1 billion in sales last year.

He talks quickly and is inquisitive with visitors. He's a people person, interviewing all who enter his 20th floor office across the street from Bayside Marketplace.

He also has his goals set out. "We would like to get to the 2,000 (agents) mark by the end of the year."

Under Michael's leadership, the company is positioning itself for growth—remodeling some of its older offices, filling in the blanks in South Florida and expanding to other regions.

Says Richard Ritchey, regional owner/director of Century 21 Real Estate of South Florida Inc. in Miami: "Michael is certainly following in his father's footsteps."

Ritchey's organization is the area's largest residential real estate firm, with close to 2,000 agents, but it's part of a giant franchise outfit. He's known the elder Pappas for 30 years.

"(Ted Pappas) is one of the top real estate professionals I've ever met, and it's appropriate that his son is following him in his footsteps." Ritchey said, noting Michael's latest appointment is "certainly a showing in his confidence and ability to manage."

Others share Ritchey's admiration.

"Mike is one of the most energetic, enthusiastic brokers in our community. He makes our job fun because he's so much fun to be around," said Ronald Shuffield, president of Esslinger-Wooten-Maxwell Inc. of Coral Gables.

"Our business goes up and down and our economy goes up and down and there's always something positive you can say about it and he finds it," Shuffield said. "He's real straight and honest and he doesn't try to puff things up a bit. He says things the way they are."

Shuffield runs into Michael Pappas mostly at Board of Realtor meetings. "He has a solid understanding with God, and that comes across in business too."

Michael Pappas is an elder at Immanuel Presbyterian Church and serves on the Foundation Board for Westminster Christian School.

Michael Pappas always knew he'd make Keyes a career. Ken Keyes started the firm in 1926. His father Ted Pappas bought stock in the Keys Co. in 1962.

Graduates from the company read like a Who's Who in South Florida real estate: W. Allen Morris Sr. who heads his own firm, was president in 1959; and Joe Clock, who sold his firm to Coldwell Banker, worked at Keyes.

Jim Barlow, assistant manager of the Keyes' Boca West office, has been with the company since 1978. He's pleased the younger Pappas has taken over.

"He's very sharp, energetic and enthusiastic. He's a people person," Barlow said. "He visits the offices often, much like his father.

"He spends time talking with associates and that's something you don't see with a large corporation," he continued. "Michael has taken on right where his father left off."

While Michael Pappas studies business and Spanish at Wake Forest, the elder Pappas suggested that if he were to go into sales, he should stick with stocks or real estate.

"My father said if you're going into sales, you might as well sell something people would invest in, "Michael said.

He chose real estate.

The younger Pappas started with the company in 1980 as a sales associate in the Fort Lauderdale office. He moved on to manage the Coral Springs office and then the Coral Gables operation.

In 1985, he was promoted to regional manager of Dade County. Three years later he joined Keyes executive ranks as vice president and general sales manager.

He's watched as his father grew the company into the largest independent residential brokerage in South Florida, and is now helping it acquire more firms to fill in the blanks from Jupiter to Homestead and expand into other parts of the state, such as Orlando.

Last year, Keys acquired seven companies. And in January, the Miami-based company anchored itself as a major player in Orlando with the acquisition of Emerson Realty, a firm with 150 associates in half a dozen offices.

Like other large regional concerns, Keys continues looking at other acquisition opportunities.

"We look at South Florida as one central area . . . as one metropolitan area. From Boca down, it's one big network down to Homestead," Michael Pappas says.

He says Keys is concentrating on Coral Gables, Coral Springs and Boca Raton for expansion locally. "We're looking to acquire some firms there."

To the north, Keys is in discussions with smaller brokerage houses in Wellington and West Palm Beach. And the company's looking at Fort Meyers and Naples.

Keys also has become linked with a Canadian network called Southern Exposure, which will put Keys listings into the multiple listing service in Toronto.

The younger Pappas hopes to grow the company mainly by sticking to the basis: selling homes and property. That is divided 75 percent residential, 25 percent commercial.

It's important, Michael Pappas maintains, to keep contact with his offices and personally be involved in associate training—priorities he learned from his father.

"An ingredient that isn't found in many companies because of the corporate buy outs, some which have withstood and some that haven't withstood these recessionary times, is that camaraderie," Barlow says. "I can go up to the Orlando office or down to any Miami office and find that harmony where ever I go."

I am happy to pay tribute to Ted and Michael Pappas by reprinting this article. They represent the best of American free enterprise at work. Both have worked hard to continue to make south Florida one of the best places to live in the world.

KERN COUNTY REGISTERED NURSE OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. THOMAS of California. Mr. Speaker, I would like to recognize the outstanding achievement of Lucinda (Cindy) Wasson, R.N., P.H.N., upon being named the 1992 Kern County Registered Nurse of the Year. This honor is bestowed upon Cindy because of her significant contributions to health care in Kern County, as well as her involvement in the community.

Cindy has served in public health nursing at the Kern County Health Department for 16 years. Starting as a staff public health nurse, she was promoted to supervising public health nurse, and now holds the position of assistant director of public health nursing. In addition, Cindy is a relief supervisor for the disease control program and is a trained pediatric nurse assessor.

During her 16 years with the Kern County Health Department, Cindy has participated in several important public health projects and distinguished herself as a leader, educator, and organizer. As coordinator of the Sudden Infant Death Program, Cindy was an active member of the Southern California Advisory Council on SID's whose support resulted in five State laws addressing SID's that now serve as a model for other States. She has developed programs, lectures, and inservices for health professionals and counselors to help them educate the public about SID's and counsel affected families.

When Kern County experienced a measles epidemic consisting of 986 cases, Cindy networked with State and county agencies to help stop the rapid spread of the disease. As a result of grants written by her it was possible to purchase more vaccine and to developed a task force that sent nurses door to door to immunize the Kern County population. These efforts yielded great results, as the measles rate dropped significantly in 1991–92.

In response to the growing problem of AIDS, Cindy took the lead in writing the State grant application which funded the Case Management Program for Kern County Public Health Nursing in 1988. This program is still growing and thriving, providing weekly visits, emotional support, referrals to appropriate agencies, social services, emergency assistance, and funding for in-home attendant care.

Cindy is also very active in the community. She is a member of the Advisory Council for the Community Connection for Child Care and the Kern Infant Council and Child Development Advisory Committee for Kern High School District. She is the past president of the Lung Association of Kern County and past chairman of the Maternal Child Adolescent Council of Kern County.

Cindy Wasson's untiring efforts to improve the health and welfare of Kern County residents are certainly worthy of recognition and praise. She is a role model for nurses throughout California and United States and I congratulate her on being named the Kern County Registered Nurse of the Year.

REV. DR. EUGENE COTEY RETIRES

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GORDON. Mr. Speaker, on Sunday, May 3, Rev. Dr. H. Eugene Cotey will perform his last service at the First Baptist Church in Murfreesboro, TN, endng a distinguished pastoral career that spans more than 42 years, including 31 in Murfreesboro.

To say that his services will be missed would be an understatement. As he did in Louisville, KY, and Oxford, AL, Rev. Dr. Cotey has provided his congregation in Murfreesboro with the prayer, hope, spiritual sustenance, and timeless, commonsense guidance needed to face both the good and bad times.

He's worked tirelessly for the United Givers Fund and the American Red Cross. The Middle Tennessee Medical Center currently calls on his leadership and knowledge as a member of its board.

In addition, he has unselfishly given of his time and energy as president of the Tennessee Baptist Convention and as a director of the Home Mission Board of the Southern Baptist Convention. He was a trustee of the Baptist Hospital of Nashville for many years and served 4 years on the board of Belmont College, sharing not only his administrative talents but also imparting wisdom and sensitivity to the young and old, the sick and the well.

But Reverend Dr. Cotey's role in our community has gone beyond any official role in his church or other organizations. Over the decades, people from all denominations and faiths and walks of life have turned to this man's steady and trusted advice. With a quiet strength, has had been a rudder of good judgment for all our community.

On Oct. 29, 1985, the U.S. House of Representatives had the privilege of hearing an opening prayer from Rev. Dr. Cotey. He prayed for Members to have "the wisdom to find solutions to complicated problems," to have the "courage to act when fear might lead to inaction," and to have "a sense of mission when it is easier to be self-serving."

Today, those few insightful words reflect the wisdom he has brought to his church and community and are worth heeding by us all.

TRIBUTE TO THE INDEPENDENT INSURANCE AGENTS OF NEW JERSEY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SAXTON. Mr. Speaker, I rise today to salute the Independent Insurance Agents of New Jersey as it begins the celebration of its 100th year of organization.

Since its founding in 1893, the Independent Insurance Agents of New Jersey has been a leader in protecting the rights of consumers and in developing fair solutions to complex issues that carefully balance the interests of consumers and of the insurance companies represented.

The Independent Insurance Agents of New Jersey has more than 1,300 member agencies located in nearly every municipality in our great State. The member interest goes far beyond the sale and service of insurance. Independent agents can be found promoting safety and fighting fraud in the communities in which they live and work. They are active in all areas of civic and community affairs.

I am also pleased to state that a constituent of mine, Jeanne M. Heisler, CPCU, CIC, CLU, CPIW of Toms River will lead the association as its president during the year of its centennial celebration.

I call upon my colleagues in the House to join me in congratulating the Independent Insurance Agents of New Jersey for 100 years of service to the citizens of New Jersey and in wishing the association many more years of continued success.

NATIONAL PROPANE SAFETY WEEK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. CLINGER. Mr. Speaker, I am pleased to take this opportunity to bring to the attention of my colleagues the fact that for over 70 years, the propane gas industry has been making significant contributions to American life with remarkable degrees of dependability, efficiency, and above all, safety.

To highlight the industry's sincere concern with safety, the National Propane Gas Association will be sponsoring National Propane Safety Week from August 24–28, 1992. The Safety Awareness Week will include safety demonstrations and antitampering messages, as well as helpful tips on winterizing propane gas grills, how to prepare for the winter heating season, what to do if a homeowner smells gas, and how to handle a pilot light that won't light.

All across the country, manufacturers, suppliers, and distributors regularly help in educating the over 60 million consumers of propane on the safe use of the gas which they use to heat their homes, and barns, dry their crops, and fuel their vehicles and machinery. National Propane Safety Week will play an im-

portant role in reinforcing the safety education of those who already have access to this pertinent information, as well as in making it available to those who do not.

A home safety audit called the Gas Check Program is another initiative strongly recommended by the Gas Association throughout the Safety Awareness Week. This program stresses consumer education, and after a thorough examination of a homeowner's gas system by a service technician, offers advice on safe and efficient methods of operation of propane appliances. This kind of attention to the safety needs of consumers should not go unrecognized or unappreciated.

Mr. Speaker, I would like to stress my support for all of the propane dealers in my district who put safety first, and I encourage my colleagues to do the same. I would also like to personally commend the National Propane Gas Association and its constituent dealers for their efforts to promote public awareness about propane safety issues through their sponsorship of, and participation in National Propane Safety Week.

JENS HENDRICKS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. DE LUGO. Mr. Speaker, the Virgin Islands community was grieved to learn of the recent death of a dedicated public servant and friend, Jens G. Hendricks. Jens served the people of the Virgin Islands with distinction and honor.

At Jens' funeral the distinguished jurist, former Virgin Islands District Court Chief Judge Almeric Christian, made the following remarks about this wonderful and beloved man, which I wish to read into the CONGRESSIONAL RECORD.

"Even at our birth death does but stand aside a little, and every day he looks towards us and muses somewhat to himself whether that day or the next will draw us nigh." (Robert Bolt)

And so it was that on Saturday last, another once verdant leaf fell from the tree of life as the heart of Jens G. Hendricks throbbed its last. To him came death, as it must to all human kind, for as Horace wrote, "Death approaches with equal steps and knocks indiscriminately at the door of the cottage and the portals of the palace." When death drove away with Jens Hendricks in its heavily curtained carriage, I believe it did so quietly and, I hope quickly.

I will not, for I am sure I need not rehearse a biography of Jens Hendricks. Undoubtedly the program bulletin, and other sources, will adequately do so, and recount the faithful career of service and dedication to his island home and all its people. As to that aspect of his life with and among us I simply affirm that though not "born to the purple," he trod the pathways of this life with royal dignity and grace.

Were proof of this required, one need only consider the enconiums of praise heaped upon him in the media by those whose personal and professional knowledge of him was more intimate than mine.

A few of those accolades appearing in a recent issue of our daily newspaper bags mention: the "consummate public servant," respected by "peers" and "community." "A very good man" who left a lasting and favorable impression on those he touched. A man of "highest devotion to duty," regularly exercising "sound discretion," and "fair and fearless" in the performance of his constabulary and other duties. Extending "warm and welcoming arms" to newcomers to his department, "wholly without rancor or resentment," the "true professional" that he was. "Sound contributor to the rule of justice and efficient law enforcement."

And all these traits and drive, it is clear, he carried with him in his private pursuits after his retirement from the strictly public sphere. Well, and deservedly must we apply to him the wisdom of Carlyle who said: "Blessed is he who has found his work; let him ask no other blessedness." In the public and private sector, as well, Jens indeed found his work.

To all this I add only my one word characterization—friend. That we were. Mutually respectful, with reciprocating admiration. It seems that we both lived by the same maxim, "The only way to have a friend, is to be one."

In all that I have said, I in no way would suggest that our departed brother was without taint of fault. Being of human kind, he must have had his "touch of the earth." I would, and do, say that whatever, and how many his faults, they all pale into insignificance in the bright and abiding light of his many virtues.

As I end these remarks I wish to extend deepest and most sincere condolences to his widow Jean, his daughters, son, other relatives, and host of friends. I urge that you do not overly grieve. You know Jens would have it so. Time will in substantial measure heal all. May you find surcease of sorrow in the words of one Samuel Butler: "To die completely, a person must not only forget but be forgotten, and he who is not forgotten is not dead." Thus because he will never be forgotten, think not of him as dead, but rather that he has "crossed the bar," and passed on to his reward.

May he rest in peace.

SACRAMENTO BEE AWARDED TWO PULITZER PRIZES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MATSUI. Mr. Speaker, I rise today to salute the awarding of two Pulitzer Prizes on Tuesday, April 7, 1992, to the Sacramento Bee.

Tom Knudson, who joined the Sacramento Bee as a staff writer in 1988, won the public service award for examining environmental damage to the Sierra Nevadas. In his five-part series, "Majesty and Tragedy: The Sierra in Peril," Knudson describes how this beautiful mountain range has been ravaged by air pollution, overdevelopment and overpopulation. The series, which ran in the Sacramento Bee last June, was Mr. Knudson's second Pulitzer Prize.

Deborah Blum, a science reporter at the Sacramento Bee for the last 8 years, won the Pulitzer Prize for beat reporting for her four-part series, "The Monkey Wars." These articles focused on the ethical choices faced by scientists who experiment on animals. She was extremely successful in examining and observing the practices and motivations of animal research scientists. "The Monkey Wars" provided one of the most insightful and balanced descriptions of an extremely sensitive, and polarized issue.

The Sacramento Bee is only the second Western newspaper to be awarded two pulitzer prizes in a year and was the only West Coast newspaper this year to win two prizes. These awards reflect well upon not only Tom Knudson and Deborah Blum, but upon the entire Sacramento Bee organization which daily puts out one of the best newspapers in the Nation.

Mr. Speaker, it is with great pride that I share with you the tremendous achievements of the Sacramento Bee. Day in and day out the Bee is an informative and balanced newspaper that I and the people of Sacramento rely on to get our news. I am thrilled that the Pulitzer panel has recognized its excellence and I invite my colleagues to join me in congratulating Tom Knudson, Deborah Blum, and the entire Sacramento Bee staff.

LESLIE PRESTON WILLIAMS HONORED AS 1992 DISTINGUISHED INVENTOR

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BROOKS. Mr. Speaker, I would like to draw the attention to my honorable colleagues to the fact that today, Leslie Preston Williams of Vidor, TX, will be honored as a 1992 distinguished inventor.

Williams is honored for his invention of the adjustable foaming chamber stem for foam-applying nozzle, a firefighting tool used to extinguish massive industrial-commercial tank and oil field fires. The nozzle was instrumental in fighting the oil well fires in Kuwait.

Cofounded of Williams Fire & Hazard Control Inc. in Port Neches, TX, Williams' operation has provided technical service, training, and firefighting expertise to most U.S. oil and chemical companies, as well as marine interests. His invention permits the extinguishing of fires from a greater distance, minimizing both potential harm to firefighters and loss of resources. The nozzle also helps reduce the environmental pollution caused by massive fires.

The distinguished inventor honor is presented by Intellectual Property Owners [IPO], a nonprofit organization founded to strengthen the rights of patents, trademark, copyright and trade secret owners. IPO works to protect and improve the intellectual property systems that are vital to America's technological and economic leadership by combining the voices of large, medium, and small businesses; universities; independent inventions and patent attorneys.

Williams will receive the award this evening in a formal ceremony in the caucus room of the Russell Senate Office Building.

My congratulations to my fellow Texan and IPO for fostering American ingenuity and technological advances.

INTRODUCTION OF LEGISLATION TO REDUCE THE DUTY ON CERTAIN WATCH CRYSTALS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HORTON. Mr. Speaker, today I am introducing legislation to amend the harmonized Tariff Schedule of the United States with respect to its treatment of watch crystals. Under current law, the harmonized Tariff Schedule differentiates watch crystals according to their shape. Under heading 2015.90.10, round watch crystals are subject to a duty of 4.9 percent, and under heading 2015.90.20, other (nonround) watch crystals are subject to a 9.6 percent duty. My legislation would reduce until January 1, 1995, the tariff on nonround watch crystals to 4.9 percent, the same as for round watch crystals.

At one time, perhaps circumstances dictated this breakdown in the tariff schedule. Today, however, it appears as though it is outdated. Many companies now merely import round watch crystals, which are subject to a tariff almost 50 percent lower than other watch crystals, and subsequently cut them into what the industry calls fancy shapes. I am told this is a simple, inexpensive process, which makes the subheading 2015.90.20 obsolete.

Initial inquiries I have made with the International Trade Commission and other agencies have uncovered little domestic production of these watch crystals in question. Furthermore, preliminary investigations by the ITC and other agencies were unable to shed light onto the historical reasons for the breakdown in the tariff schedule.

It is my hope that introduction of this legislation will allow the ITC and the Trade Subcommittee to further investigate this section of the tariff schedule. If this investigation confirms what is now known, I urge the committee to expeditiously enact this legislation.

IN HONOR OF THE 50TH ANNIVERSARY OF CORO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the 50th anniversary of Coro, a nonprofit, nonpartisan, educational institution established in 1942. Its continuing goal is to educate individuals with a broad perspective, interested in public affairs, and committed to improving our Nation's governmental systems. Coro deserves special recognition not only for its longevity but also for its many successes. Today, over 3,000 Coro graduates are the leaders and decisionmakers at local, State, and national levels of government.

Coro's National Fellowship in Public Affairs is conducted each year in four centers, located in Los Angeles, New York, St. Louis, and in my home city of San Francisco where Coro was founded. The annual group of 48 participants ranging from high school students to senior citizens, contains a broad racial, ethnic, and cultural mix.

Coro stresses the importance of hands-on experience by placing trainees in short internships with business executives, labor leaders, governmental department heads, legislators, community leaders, and many others who play a part in formulating public policy. In seminar settings the trainees work together as a group to find meaning in their individual observations made during the internships. By combining training experience with structured analysis, Coro has developed a balanced approach to educating thousands of individuals on the intricacies of public affairs.

Mr. Speaker, as our world becomes progressively more complex, it is essential that our policymakers have the skills to confront complicated issues and the ability to work with people from all segments of society, including labor, business, and government. Coro teaches participants that public issues are rarely one dimensional, but instead are multifaceted and complex. Coro fellows understand that the best approach to public policy decisionmaking is a flexible approach that takes all sides of an issue into consideration.

Today, it is as important as it was 50 years ago that we encourage talented individuals to pursue a career in public service. And now, more than ever, we need citizens who are interested and involved in the development of good government and sound public policy. While the 3,000 Coro graduates can all attest to how beneficial Coro has been to their own lives, the real beneficiary of Coro's work continues to be our democratic system.

Mr. Speaker, the Coro Foundation will celebrate its 50th-year anniversary with a dinner in San Francisco on Friday, May 1. I commend executive director Ellen Ramsey Sanger and the Coro Foundation and wish them another 50 years of success in training and educating our future leaders.

WE NEED TO DECREASE INFANT MORTALITY

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ROWLAND. Mr. Speaker, this Nation has proven that we have the technology and know-how to address the most complex health care issues. Yet we remain significantly deficient among industrialized nations in our ability to decrease infant mortality. In 1992, nearly 38,000 infants in the United States will die before they reach their first birthday. This is a situation which we cannot tolerate.

Why have we not made the kind of progress that many other industrialized nations have made in this area? What is preventing us from accomplishing goals that are well within our reach? We accept the preeminent benefit of prenatal care yet find that access to these services is hindered by economic barriers, geographic restrictions, or, sadly, by a lack of knowledge of the importance of this care. We have long known the value of adequate nutrition and patient education, yet we again find that this basic health care counselling is not available or not utilized by expectant mothers.

The need for more attention to this problem is also illustrated by the staggering numbers of teenage pregnancies in this country. In 1989, my own State of Georgia was tied for second place in the number of pregnancies per 1,000 girls 15 to 17 years old. We need to educate adolescent girls to the damage that is caused to their own bodies by early pregnancy.

It is imperative that we make the public aware of those issues which surround infant mortality and of the need for adequate prenatal care. It is imperative that we make business, educational systems, communities, churches, and individuals aware of the need for collaboration in order to decrease the number of infant deaths and the number of life long disabilities which result from complications during pregnancy.

Today, Mr. Speaker, I ask my colleagues to join with the members of the Sunbelt Caucus Task Force on Infant Mortality in cosponsoring Infant Mortality Awareness Day on Mothers Day, May 10, 1992. By supporting this effort we will put forth a visible step in the fight to save infant lives in this country.

This is something we must do if we are committed to a healthier, stronger America.

U.S. MUST DERECOGNIZE THE FORMER YUGOSLAVIA

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SENSENBRENNER. Mr. Speaker, on April 27, the leaderships of Serbia and its ally Montenegro declared themselves successors to the former state of the Socialist Federal Republic of Yugoslavia. The state they wish recognized by the international community has been formally renamed the Federal Republic of Yugoslavia. Mr. Speaker, a rose by any other name will smell as sweet, just as a Yugoslavia by any other name will remain Communist while Serbian President Milosevic is at the helm.

In power since 1987 after ousting his predecessor, Serbian President Milosevic has fanned the flame of nationalism that has to date cost 10,000 lives and produced over 1 million refugees. In only 5 years he precipitated the destruction of an entire state in an effort to build a greater Serbia. There is no civil war in Yugoslavia, but a war of aggression and territorial conquest across internationally recognized borders.

Serbian efforts to consolidate control of Yugoslavia became visible as early as 1988 when the Milosevic regime blatantly and openly reduced substantially the provincial autonomy of Vojvadina and, in 1990, Kosovo. In Kosovo, where the population is 90 percent Albanian, the Serbian parliament simply suspended the assembly and took direct control. Eventually, Belgrade despots focused attention on Slovenia, Croatia and Bosnia-Herocegovina. The result is now before us.

The United States has at last recognized Croatia, Slovenia, and Bosnia-Hercegovina. However, we cannot permit Milosevic's bloody regime claim the former Yugoslavia's United Nations seat as well as membership in other

international organizations such as the IMF or World Bank. Serbia and Montenegro should not be permitted to claim the assets of the former Yugoslavia, much of which belongs to the newly independent republics.

It should also be made clear that the Serbian Army must withdraw into its own borders and respect the sovereignty of Croatia and Bosnia-Hercegovina.

The United States must derecognize the former Yugoslavia and support an international trade embargo and freezing of assets to ensure the Serbian leadership and its puppet in Montenegro understand the implications of their thoughtless conduct.

BRIAN FOSTER TO HEAD VOCA OFFICE IN MOSCOW

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. PENNY. Mr. Speaker, today marks the end of nearly 4 years of service in my office of Brian Foster, who has provided outstanding counsel and support in a number of issue areas, particularly agriculture, hunger, environment, and foreign affairs. he was instrumental in the success of my efforts to establish the Agricultural Research Commercialization Corporation [ARCC], which will promote new uses of agricultural products. It is with regret that we say goodbye to him, but do so with gratitude and many good wishes.

Brian served with the Peace Corps in Costa Rica in the early 1980's, and once again he will be working in international development—this time in the former Soviet Union. In early May, he will become the director of the office of Volunteers in Overseas Cooperative Assistance [VOCA] in Moscow. VOCA, a private nonprofit agency funded through U.S. A.I.D., sponsors such efforts as the Farmer-to-Farmer program which matches American expertise in agricultural production, coop management, and agri-business with technical needs throughout the world. The Farmer-to-Farmer program administered by VOCA is a people-to-people approach to technology transfer that is a most effective way to quickly improve agricultural and food production. In addition, American volunteers bring back valuable first-hand information that they can share with their neighbors, friends, and elected officials.

In keeping with the tradition of Iowa farmers, which is Brian's heritage, he will be breaking new ground in the Commonwealth of Independent States at this historic time. I am confident that Brian will apply the same enthusiasm, hard work, good humor, and astute judgment to his new assignment that he demonstrated in his work on behalf of the people of Minnesota's First District.

I know that the many people on Capitol Hill who have worked with Brian and his spouse, Patricia Koch, will join me in wishing them every success in their new venture in Moscow.

A CONGRESSIONAL TRIBUTE TO THE LIONS CLUB INTERNATIONAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. DINGELL. Mr. Speaker, I rise today to honor the Lions Club International, which began its celebration of 75 years of local and world community service in June 1991. It is with great pride and pleasure that I pay special tribute to the Dearborn Michigan Lions Club, chartered in October 1945, which is celebrating the 75th anniversary on a local level.

The Lions Club International, founded in 1917 in Chicago, IL, is the largest service club organization in the world, with 40,000 clubs in 174 countries. In the United States alone there are 520,000 active members, including women, in 15,000 clubs.

Lions Club members have worked tirelessly on projects in our local communities and abroad. They have been pioneers in the crusade against blindness, consultants to the U.N. Economic and Social Council, and partners in the international effort to provide drug prevention education. The Lions have crossed international boundaries and have put the results of service and hope to work in Hungary, Poland, Estonia, Czechoslovakia, Romania, and Yugoslavia.

The Lions Club of Dearborn has contributed to the betterment of the community through a longstanding commitment to service and excellence. I commend this organization for its significant contributions to our community and to our world. I am sure that Lions across the globe will continue their commitment to excellence for another 75 years to come.

CHEERING FOR CATERPILLAR? THINK AGAIN

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. HAYES of Illinois. Mr. Speaker, the conditions which necessitate unions have not changed; only the Government's stacking of the deck in favor of management has changed. I urge my colleagues to read the attached piece from an editorial writer at the Atlanta Constitution on April 24:

[From the Atlanta Constitution, Apr. 24, 1992]

CHEERING FOR CATERPILLAR? THINK AGAIN

A snapshot of Caterpillar Inc. might give the impression that management was justified in beating down the United Auto Workers (UAW).

The black-and-white facts are: Caterpillar pays workers an average of $30.69 an hour in wages and benefits. The construction-equipment maker must compete with foreign companies not bound by UAW agreements.

This two-dimensional picture puts the union's demand for higher wages in a bad light. One can see why Caterpillar started hiring replacements April 6 to end the five-month strike.

But to appreciate the complexities of the Caterpillar dispute, one must consider the full-length movie, featuring events leading up to the strike.

The UAW was trying to force the company to accept a contract that conformed to a pattern set last year at rival Deere & Co. The union wanted to protect its policy of obtaining the same deal for all workers in a particular industry.

Pattern bargaining ensures that companies in a single industry compete by emphasizing higher quality and better service. Without a pattern, companies would try to get ahead of each other by slashing wages.

But could they ever get pay low enough? No matter how far U.S. companies push down wages, competitors in Mexico or Brazil or Taiwan could squeeze them even further. Pattern contracts force American companies to focus on improving quality and productivity, not trying to sink to Third World wage levels.

The other big issue at Caterpillar involved the use of replacements. The company hired workers to step in for strikers, a move that would have been virtually unthinkable before 1981.

Though companies have had the right to hire replacements since 1938, few resorted to such harsh measures until President Reagan fired all striking air-traffic controllers 11 years ago.

Inspired by that example, many other companies, such as Eastern Airlines and Greyhound, replaced strikers. Perhaps the most "successful" case was Phelps Dodge, a mining company that replaced 2,000 strikers in 1983. Today, the company remains non-union and pays some of the industry's lowest wages.

In a single stroke, the company threw out decades of struggles by miners who organized to improve job safety and wages.

We're kidding ourselves if we think human nature has changed so much in recent decades that company owners never again would exploit workers.

Even though only 16 percent of U.S. workers belong to unions, all Americans have benefited from the pressure unions have put on companies throughout this century to improve wages and working conditions.

Unfortunately, many labor leaders make it difficult to appreciate the contributions of unions. Excessive demands, high-living officials and arrogance at the bargaining table have given unions a black eye.

But despite their many flaws, unions still provide an important counterbalance to the power of management. If the federal government continues to tip labor law so far in favor of owners, the status of all American workers may well decline.

Before you cheer too loudly for Caterpillar, take another look at turn-of-the-century pictures of children toiling in coal mines and hunching over sewing machines. Remember, that's what a union-free America looked like.

TITLE X AND THE GAG RULE

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. COX of Illinois. Mr. Speaker, I rise today in support of H.R. 3090, the Title X Reauthorization Act, which would restore funding to family planning clinics and eliminate the ad-

ministration's gag rule. I find it absolutely reprehensible that, in these socially aware times, these vital services are not being properly funded, and the President has implemented a rule, by which doctors and nurses in these clinics are prohibited from giving their patients honest answers to questions about family planning options.

Clinics that receive title X Federal funds are required to offer a broad range of family planning methods and services to all people desiring such assistance. These services include family planning methods and supplies, physical examinations, preventive screening for breast and cervical cancer, anemia, diabetes, hypertension, and sexually transmitted diseases, infertility examinations, community education and outreach programs and counseling. These vital health services are provided to an estimated $3.7 million low-income women and adolescents every year. For 83 percent of these patients, family planning clinics are their only source of primary health care. By failing to reauthorize funding for title X programs, we are once again hurting the people who are most in need of our help.

Additionally, the gag rule that will soon be implemented, prohibits clinics that receive title X funding from advising women on all of their options in the case of pregnancy. Not only is this a violation of the freedom of speech, guaranteed by the Constitution, but it also robs women of valuable information they need to make their own educated choices. Perhaps the most appalling aspect of the gag rule is that the women who are most at risk of an unwanted pregnancy, and usually the least educated on family planning methods, will be refused access to information about completely legal services. Upper and middle class women, however, can afford to seek these services for themselves. By passing H.R. 3090, we have a chance to eliminate some of the barriers that exist for lower income people, and set a precedent giving people of all economic groups the right to fundamental assistance.

The ultimate goal of the title X family planning clinics is to prevent unwanted pregnancies. As the United States is the only developed country in the world where the teen pregnancy rate has been increasing steadily in the last few years, this is a necessary goal. However, in the event that preferred methods of birth control do not work, and abortion remains a safe and legal option, women must be made aware of all the alternatives. Title X funds must be reauthorized and the gag rule must be overturned.

HONORING THE EASTCHESTER PARK NURSING HOME

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. ENGEL. Mr. Speaker, I wish today to recognize the 25th anniversary of the Eastchester Park Nursing Home, which provides quality health care to its residents.

For a quarter-century, the staff of Eastchester Nursing Home has exhibited a special interest in caring for the elderly and working with their families. Each resident receives individualized attention in a home-like atmosphere.

In support of National Nurses Day, the theme of "Nursing Shaping the Future of Health Care" is also being celebrated at the Eastchester Park Nursing Home. Therefore, I pay special tribute to the nurses who have shown great commitment and dedication to their profession. They are a shinning example of community service and care for their fellow man from which we can all gain inspiration.

THE INTERNATIONAL STATISTICAL INFORMATION AND ANALYSIS ACT OF 1992

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. SAWYER. Mr. Speaker, Today I am introducing legislation that is important both for America and the former Soviet Republics.

The transition from yesterday's Communist dictatorship and centrally planned Marxist economy of the U.S.S.R., to tomorrow's democracy and free-market economy in the republics, will not be an easy one. It is in the best interest of the republics and the United States to ensure that that transition is both orderly and successful. We shouldn't let it fail. Our own national security and future economic prosperity are linked to the ability of the republics to nurture and sustain free societies.

The "International Statistical Information and Analysis Act of 1992" will assist the newly independent republics of the former Soviet Union with the collection, analysis and dissemination of reliable economic data. Without this assistance, the republics will be hard-pressed to employ the statistical means necessary to measure and to guide their movement toward a market economy.

The expertise found at American statistical agencies is unsurpassed in the world. We can use this capability to establish within the republics a statistical foundation with which to guide effectively their economic restructuring.

With a modest investment now, we will reap important benefits in the near future. First, reliable economic statistics will help us measure the concrete benefits of our foreign assistance dollars. That information should help the United States to target its development efforts more effectively.

Second, our investment would ensure American businesses a foot in the door to the largest potential trading partner in the 21st century. Without accurate information, costly mistakes are inevitable.

My legislation would create a coordinating council of the U.S. Government's statistical agencies, comprised of representatives from the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics, the National Agricultural Statistical Service, the Statistical Policy Office at the Office of Management and Budget, and the Agency for International Development.

The council will determine priorities for providing training and other statistical assistance to each of the republics. To administer the training, the council would rely on programs already established within each of its member agencies.

The council also would encourage the dissemination of economic information collected by each of the former republics. The council would ensure that data from the republics is made available for analysis and policy determination by the United States, with the assistance of its member agencies. It also will make the information available to American businesses for use in their plans to market products abroad.

Reliable statistical measurements are fundamental to any society. Used to their potential, they guide policy, both in government and in the private sector. In our country, we have come to recognize the value of our own economic indicators, especially in these days of economic hardship for so many. Surely we can appreciate the importance the republics place on the need to develop their own measurements of economic progress. This legislation provides a means to facilitate critical economic information for the republics and for us.

I urge my colleagues to support this legislation.

INTRODUCTION OF LEGISLATION TO PROVIDE UNIVERSAL ACCESS TO HEALTH CARE FOR ALL AMERICANS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. REGULA. Mr. Speaker, today, I am introducing legislation to provide universal access to health care for all Americans. Congress must act to ensure the fundamental right of every American to such care. Our constituents demand that this body move forward on the issue.

Four primary goals provide the foundation for my proposal.

First, every American will be guaranteed coverage of their basic health care needs without denying the ability to choose their own caregiver. This is done through the use of health care vouchers to every American that is funded by employers and government and are used to purchase certified insurance annually. Health care becomes a quantifiable expense for business and no longer puts our companies at a competitive disadvantage to foreign competitors. Special exemptions and considerations are given to small employers.

Second, the bill builds upon the positive benefits of the existing system rather than tossing the good aside with the bad. Access to quality care for our elderly and the very poor will not be changed. In fact, it will be enhanced by a new long-term care benefit for chronic illness and coverage of preventive health care services. Technological development and investment in the buildings, machines, and materials that permit the delivery of quality care are continued and encouraged.

Third, it is based upon the old-fashioned notion of free market enterprise. When the individual purchases their health coverage at the

beginning of each year they are then entitled to any funds remaining in the account. These moneys are tax free and can be used for any purpose by the individual. Self-motivation and a desire to get the best value will result in cost-effective purchases that force insurers to offer competitive policies.

Finally, overly burdensome regulatory redtape on physicians, hospitals, and the patient are eliminated.

Whether it is this proposal, or some other, now is the time for action.

TRIBUTE TO THE UNITED BLACK FUND

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Ms. NORTON. Mr. Speaker, I rise today to pay tribute to the accomplishments of the United Black Fund, Inc., of Greater Washington, DC, and to recognize the founder and president of this outstanding organization, Dr. Calvin W. Rolark, as they celebrate the success of this year's fundraising campaign with their 20th Annual Victory Luncheon.

The United Black Fund has been an indispensable agent of change in the District of Columbia. For 23 years, the United Black Fund has provided special services to every segment of the Nation's Capital. From early child development to advocacy programs for senior citizens, the United Black Fund has been at the forefront of progressive change and has served this city and its residents well. This vital organization has had a profound impact on enhancing health care, educational opportunities, and the general quality of life for thousands of District of Columbia residents.

Funded through payroll deductions and individual contributions from the community, the United Black Fund offers programmatic and emergency funding to community-based organizations throughout the District of Columbia. Presently, the United Black Fund supports 68 member agencies and assists an average of 200 nonmember agencies on an emergency basis.

Mr. Speaker, I ask my colleagues to join with me in celebrating the achievements of the United Black Fund.

THE VERDICT IN L.A.

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. BLACKWELL. Mr. Speaker, it is with the utmost concern that I rise today to address a situation that concerns each and every American citizen. I am speaking of the verdict that was handed down yesterday in the trial of the officers in the Rodney King beating. This decision sends a negative message to all that have placed their belief in ideals of freedom and equality.

I find it ironic that a country whose foundation is built on the principle of justice, that a man in 1992 may be unmercifully beaten for all the world to see and his assaulters declared innocent. I believe that it is time for each and every one of us in America to wake up and realize what is happening in our communities.

Mr. Speaker, 95 percent of the police officers in this country are good law enforcement officers, but there is a minority who appears to take the law into their own hands.

When we consider what has happened to Rodney King, we do not have to rely on hearsay, or the word of someone else. The unjust, terrible beating is something we all saw for ourselves.

This verdict sends a fatalistic message to people that there is no safe haven in justice. It sends a message to our children that they cannot be treated with dignity and respect. Worst of all, it breeds hopelessness in our society.

This reminds me of a time in our history that I hoped could be left behind us—when a person could be dehumanized and have no legal recourse to protect himself against the offense.

Some may believe that the Rodney King decision is inconsequential, but this attitude will bring us right back to that shameful period in history. Mr. Speaker, we cannot go back to that time and we must not go back on our principles!

WARSAW GHETTO UPRISING COMMEMORATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. GILMAN. Mr. Speaker, today many of us gather in the Capitol Rotunda to participate in the national civil commemoration of Holocaust Memorial Day. Indeed, all this week special memorial services and programs are being conducted in memory of the 6 million Jewish men, women and children who perished at the hands of the Nazis.

This past Sunday I was pleased to participate in the Holocaust commemoration which took place in New York City, at which Vice President Dan Quayle was the honored guest speaker. In order to share his remarks I inserted his remarks in the CONGRESSIONAL RECORD earlier this week (E1117, April 28, 1992). He spoke movingly of the need to remember.

The legacy left us by the 6 million who perished includes the awesome task of ensuring that history honestly records their fate. We must continue to guard against revisionists and neo-nazi groups who, through their self-styled blindness and ignorance, attempt to denigrate, dismiss, and ultimately ignore the very existence of our families and friends.

Among the speakers at the New York ceremony was Benjamin Meed, chairman of the Warsaw Ghetto Resistance Organization and one of the organizers of this annual event. Accordingly, Mr. Speaker, I would like to share Benjamin Meed's eloquent remarks with my colleagues, and insert his statement at this point in the CONGRESSIONAL RECORD:

REMARKS BY BENJAMIN MEAD

Once again we have gathered together to remember, to recall our Six Million Kadoshim, to recite Kaddish beizbur, to light our memorial candles, to stand together in tribute to the heroic ghetto fighters and all those who resisted the German Nazi murderers physically and spiritually.

We meet at a time of political turmoil in many lands. The world is changing before our eyes. Yet the events we are witnessing today have a threatening familiarity, all too reminiscent of times we have known before.

This year, Jews feel uneasy, something is wrong. We can sense it in the air. Anti-Semitism and hatred are on the rise, one group turning against the other; increased anger, increased resentment. The murder of a yeehiva student in crown Heights; Statements of a Presidential candidate who demeans, if he does not deny the Holocaust; the entry into the mainstream of American politics of the former head of the Ku Klux Klan, the ballot boxes of Germany, where Far Right groups make an alarming showing, and—at the same time—where President Waldheim of Austria is received with honor by Chancellor Kohl of Germany.

In this atmosphere, those who deny the Holocaust are making their voices louder, taking their message of hate and contempt to college campuses with advertisements in student publications demanding a debate on whether the Holocaust did happen. Imagine: All this is happening in our lifetime.

Something is wrong when humanitarian aid to rescue a threatened Jewish community seeking its freedom as Jews in the Jewish homeland is politicized; when humanitarian aid is held hostage to a peace process. Suddenly, Israel is an issue in American national life—and the resettlement of rescued Jews is controversial. It is just wrong.

Bombings of a synagogue in Turkey and the blowing up of the Israeli Embassy in Buenos Aires, Argentineans and Israelis killed together by terrorists. The attacks continue, the uncertainty continues, terrorism continues. We must be mindful and grateful for the response of the Argentine President Carlos Menem, who led a demonstration of 100,000 through the streets of the city to denounce terrorism with placards proclaiming, "We are all Jews." We acknowledge with appreciation this noble act by the leader and the people of Argentina.

This is the day of our collective remembrance. We remember because memory is a shield against indifference. Memory kindles solidarity. Memory brings people together. Our pain is not only from a by-gone day. Our wounds bleed anew.

We remember not for ourselves. We could never forget. We remember because this was the desire of those who did not survive; this was their commandment to us: Remember! Gedenk! Remember us! Remember what happened to us! Remember so that the world will never forget.

In remembering the days of our struggles, we recall with grief and love those who fell. In remembering the days of our people's history, we express our unity and solidarity with the Jewish State of Israel, a land near and dear to us, a free and democratic nation, a country whose survival and security are as precious to us as the very air we breathe.

How different our lives and the lives of our loved ones would have been had there been an Israel half a century ago, when in a villa near Berlin the official decision was made by the rulers of Germany to murder the entire Jewish population of Europe—the Final Solution; when the deportations started from

the Warsaw Ghetto and the mass killings began in Vilna, Lublin, Blalystok, Lodz and so many other cities and towns and villages; when an entire Jewish world was brought to an end by starvation and by shootings, by burnings and in gas chambers. And the world was mute.

We remember those years of darkness—how our fear began to build and then how rapidly the world of our youth came to an end. I remember the Warsaw Ghetto when it was crowded with half a million starving Jews. I recall thousands of us, forced to line up in the narrow streets of the ghetto, and a German officer at the head of the line, pointing with a stick, "Left, right, left, left. . . . I can still feel the dread we felt as we stood in that line. Left to death camps. Right, a few more days' survival in the ghetto. I also remember the Ghetto when there were only 50,000 of us left, as the preparation for the Warsaw Ghetto uprising began. We can never forget the indifference of our neighbors, our isolation, our abandonment and betrayal by the world.

Fifty years later, we still feel the pain as if it were yesterday. We still carry the fear that perhaps it could happen again. For those of us who survived the Holocaust, that fear is impossible to ignore because the world let it happen once!

Do not forget that the Germans, the killers, men of culture, masters of technology, used their scientific and psychological knowledge to murder our people: innocent men, women and children. Their engineers designed the crematoria; their psychologists devised the techniques of mass terror. What could we expect now, when the brutal hate-filled murderers of today have more advanced technological and psychological techniques at their disposal, people like Saddam Hussein, with his years' long preparation to destroy our people.

If our tragic past has taught us anything, it is that the unthinkable is indeed possible, that the unbelievable can indeed happen again.

We must not let that happen. We must join with each other, for we are bound together in one fate: Jews in Turkey and Argentina, Jews in Russia and Ethiopia and Crown Heights, Jews in Israel. We must be our brothers' keepers. No Jew can survive if all Jews do not care for one another. No nation can survive if we do not care for each other.

Let us hope that the world will heed the lesson of the Holocaust, and that the unthinkable, will never again come to pass. Let us be on guard. Let us remember, for, in the words of the Baal Shem Tov, "Remembrance is the secret of redemption."

THE SECRET DEPORTATION OF JOSEPH DOHERTY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MANTON. Mr. Speaker, today I would like to call my colleagues attention to the continuing story of Mr. Joseph Doherty. As my colleagues may recall, Mr. Doherty, an Irish national, lost his bid for political asylum in January, when the Supreme Court ruled to allow the Attorney General the right to refuse individuals fair hearings on political asylum claims. In particular, I want to draw attention to the unusual circumstances under which Mr. Doherty was secretly deported to the United Kingdom on February 19, 1992.

Although several of my colleagues and I had personally asked Attorney General Barr to keep us apprised of his actions with regard to Mr. Doherty, on the day he was deported, the Attorney General's office refused to give us any information. The Justice Department would neither confirm nor deny that Mr. Doherty was indeed being deported. However, the Attorney General's office apparently had no problem confirming Mr. Doherty's deportation to the wire services. Two months later we were informed by mail that Mr. Doherty was deported secretly because of security considerations. I regret the Justice Department felt my colleagues and I could not be trusted with that information earlier.

Mr. Speaker, the day Mr. Doherty was deported was a confusing and frustrating day for my colleagues and I who tried without success to determine his whereabouts. However, our situation pales next to the story of the individual who lived through the ordeal. In that regard, I commend my colleagues attention to a compelling article written by Mr. Doherty describing his experiences and I am inserting it in the RECORD at this point:

[From the Irish Voice, Mar. 17, 1992]

JOE DOHERTY: MY JOURNEY "HOME"

(By Joe Doherty)

("I asked the R.U.C. man where I was going. 'Home,' he said. 'Where?' I asked. 'The Crumlin Road Prison,' he smiled. 'You know the place, eh?' he laughed. 'Yeah, I do. I do.'" On Wednesday, February 18 last, IRA prisoner Joe Doherty was deported from the United States after a nearly nine year fight with the U.S. government. Here for the first time he writes of that painful journey back to a prison cell in Belfast.)

THE FEDERAL MARSHALS ARRIVE

Receiving a notice of deportation that day, Tuesday February 18 from the office of the U.S. Attorney General, I knew that I had mere hours before the U.S. federal marshals would "storm" Lewisberg Penitentiary. I told the lads at the prison, and we bade farewell at lock-up. Was this really it, this time, as I drifted into an uneasy sleep?

The torch lights shining on my face made my body move and the banging on the cell door told me that, indeed, my time had arrived. I looked up at my watch. It was 3:45 a.m. Wednesday morning, and I was awakening to my last remaining hours in America.

I was told to step into the cell block hallway. Placed against the wall I was abruptly handcuffed from behind. My property was left behind in the cell. Even my watch was taken from me. My demand that I should be allowed to take my personal belongings, including family photos, legal material, and address book were coldly denied. They promised to mail them to the Royal Ulster Constabulary (R.U.C.) in Belfast.

What followed was an insult and an undignified end to my decade in America. I was stripped naked and subjected to a brutal and meticulously long body search. Not an inch of my body or inner cavities were left unsearched.

This again happened when the U.S. federal marshals arrived. My clothes were taken off and I was given a set of clothes chosen for the journey. Watching the array of chains and leg irons before me I was angered at the violent over-reaction to my status.

I was then cuffed, body-chained, belly-chained, and leg-ironed, like some dangerous animal. The awareness and pain of those chains were to last for the next 16 hours. Fog had set in over the penitentiary; but I could make out the three U.S. marshals' cars and the M.16-carrying marshals who nervously watched my every move as I slowly passed the front gate and watch towers.

The chains and irons made walking an unnatural and arduous feat. As the U.S. marshals carried me into the car I gazed back at the misty wall of Lewisberg and my eight years and eight months, to the day, of penal life. It was a difficult moment, as were the difficult emotional moments that lay ahead of me that day.

DESTINATION: ANDREWS AIR FORCE BASE

The U.S. marshals made haste through the fog to hit the freeways. Passing Harrisburg I tried to figure out my destination. The marshals were tight-lipped. Most of them looked like Special Forces, macho and ready to blow me away at any sudden move.

Watching road signs as the sun fought to break the mist, I calculated that I was heading for Washington, D.C. I was not officially informed that I was going to England. So maybe they want me at the U.S. Justice Department? Mary Pike and Steve Somerstein would be there. So would some U.S. members of Congress. A deal was made, I thought. But my wishful thinking and dying hope gave way as I saw the sign: Andrews Air Force Base.

We had problems entering the base. Apparently the President, George Bush, was flying out on Air Force One at the same time. The Secret Service did not want any problems with me. I guess they did not want me yelling any last pleas.

I looked around for Bush only to see a C–20 jet nearing our car. "That's your jet, Doherty," the head marshal said. "We shall make London, England in seven hours," he added. They are really handing me back to the British, my last breath of hope said.

Climbing aboard, I thought I should make a speech, kiss the ground, say farewell. But the stealthy nature of my departure and the armed farewell committee left me speechless and I dare not look back at a land I came to love and admire. I dared show no emotion. My weeks of media interviews and complaining that I would be taken on an Royal Air Force (R.A.F.) bomber had paid off.

The U.S. Air Force C–20 was the best they had. Called the Gulf Stream, the C–20 was a 20 seat jet. It even had an air hostess (male). Marilyn Quayle and First Lady Barbara Bush often used the jet. Minus the chains and irons the trip would be comfortable.

Next stop, Air Tactical Command at the U.S. Air base at Loring in the State of Maine. The mountains of snow over Maine verified my recollections of yearly news reports.

Refueled, I braced myself for my final departure from America. The Immigration and Naturalization Service (INS) agents came aboard and informed me that I was being deported to London, England. I made an official complaint that I was not being extradited, but rather deported from the U.S.

My arrest at an R.A.F. base outside London would be a violation of the U.S./U.K. Extradition Treaty and the principles of international law. This treaty protected me from arrest, I said. The INS agents said nothing and walked away.

Ten thousand feet up I could see the American coast line. I always thought of the pain I would feel if I saw the New Land for the last time. I tried to keep my mind to the future hours and days. I had no time to be sentimental. My dramatic upcoming arrival in

London braced me into a disciplined and hardened attitude for the tough hours and days ahead. I had trained myself for months for this emotional moment.

Hours went by and I could not escape the thoughts of my life in the States. The legal battles fought and won. the friends I had come to love and the many personal experiences I faced.

GUNS WERE EVERYWHERE

Nearing the English coastline I felt quite proud of the myself and the many things I had achieved in America. I was a winner, giving my every day in the U.S. prisons, struggling to touch people so that they could feel the oppression in Ireland. The enormous support gathered for my plight testified to the work done and the victory achieved. My two attorneys, Mary Pike and Steve Somerstein had a proud client and I was embraced by no finer friends.

Coming to taxi at the R.A.F. base I felt bitter at the U.S government for this sellout to the British. This affront to the law was an insult to all Americans. The U.S. marshal could not look me in the face. The shame was there.

I looked out the window, guns were everywhere. The U.S. marshal awkwardly said good-bye. I made a last complaint at this middle-of-the-night stage play. It was fruitless. I was carried down the stairway. I was confronted by R.U.C. officers. "We arrest you under the Emergency Provisions Act for escape from lawful custody," they said.

As my American escort backed-off, I knew it was over. Cuffed again on top of the American cuffs, I hobbled 50 yards to an awaiting Islander R.A.F. plane, which looked like a Volkswagen with wings. Two R.U.C. officers looked nervously at me as we struggled to find room. We agreed that we might not make the three hour trip to Belfast. Cuffed to R.U.C. Det. Stewart, I knew that if I fell out of this thing that I would be in good company. I smiled at the thought. But we made the trip across the Irish Sea.

It was approaching 1:00 a.m. Seeing the Ulster coastline and the city lights of Belfast made my heart beat as we got nearer. I was relieved to see land of some kind. I asked the R.U.C. man where I was going. "Home," he said. "Where?" I asked. "The Crumlin Road Prison," he smiled. 'You know the place, eh?" he laughed. Yeah I do, I do.

THE CITY OF BELFAST

Watching the city below, my life rolled before me: my childhood playing on those streets; my youth spent behind manned barricades; and my formative years as an Irish republican street guerilla fighter. And finally my departure in 1981 to find refuge in America. My thoughts were a mixture of homecoming joy and sadness of the land and people I left behind in America.

I pressed my face to the window, watching the peacefulness of Belfast below. It was a wondrous paradox. On seeing a military helicopter below us, ominously flying above sleeping rooftops, I was jolted back to the reality. This was war-torn Belfast.

We finally landed to the amazement of all on board. Coming into taxi I could see the heavily armored welcoming party. Lights were kept at a low. I guess the U.S. and British governments did not want the publicity. There went my presentation, defiant clenched fist salute, and all.

An army of heavily armed R.U.C. paramilitary police surrounded the plane immediately. I gazed nervously at their faces. I guess I was more apprehensive than nervous. Gone were my U.S. Bill of Rights protections. And facing me was an array of guns and men only too willing to use them.

They were all around me, gazing studiously hard into my face like I was some specimen. I also searched their faces. No words were spoken. But I could hear dim whispers. Many were young, maybe in their early twenties. The R.U.C. faces portrayed both fear and hatred. I guess a sense of loss, too. It was indeed a sad and perplexing moment. Some of these faces were born before the conflict. Like many nationalist youth, war became their life. That initial imprint on a darkened airport brought home to me the saddening dilemma of our country: fear, and hatred and a sense of loss for us all.

We sped through the streets to the Crumlin Road prison in Belfast. I dreaded the thought of this moment the US Marshals put the leg irons on. But I was physically and psychologically prepared for my arrival at the prison and the insults and beatings, if need be.

BACK IN THE CRUM

I finally stepped off the armored truck to come face to face with the familiar Crumlin prison court yard. I recognized the traditional stone work of the 18th century relic of Colonial England. Almost twenty years ago, I first encountered this place of imprisonment. Eleven years ago, I walked across this very court yard, prison guard uniform on, escaping to freedom. I felt a sense of jubilant pride as I walked to my cell.

I was taken to B wing for the night. A mug of tea and a jam sandwich was placed in the cell. The warden was not unfriendly. I suspect that they were warned not to be hostile yet! But I did take joy in his typically Belfast humor. My American accent also had him in a fit of laughter. I was home.

It was a familiar Crumlin road prison cell. History was written all over its walls. Republicans have been through B wing for a century or more. Then, as now, there was no toilet. The traditional pot was in the corner, adjacent to a bucket of stale drinking water. A few Ulster cockroaches came forth to greet me, Catholic or Protestant, I don't know. The urine atmosphere greeted me and I missed already the comfort of my U.S. prison cell.

I lay down on top of the bed. After almost twenty hours of leg irons and belly chains I felt tired. But sleep was not easy. My mind was still in the United States and the friends and loved ones I had left behind. It seemed that my whole life was now taken from me, as indeed it had been. Suddenly, within hours I am transformed into a whole different world. But I awakened myself to the necessity to look forward. Tomorrow begins the first day of my life sentence.

The following morning I was interviewed by a class officer. I was to be moved to an assessment unit on D wing. I guess they needed to assess me. For what? Apparently I had to stay on in this unit for one month. Then I was asked if I would be a conforming prisoner and advised that my release would come sooner.

READY TO CONFORM?

It was a real sales pitch. Maghaberry was a new prison with state of the art industry training and a school. I didn't like the word "conform" and dived into a typically "Joe Doherty" headstrong political argument with the screw. "Conform to what?" I said. "This repressive state needs to conform to the principles of democracy and justice," I said. OK! I guess he got the point.

My other choice was to go to the Maze-H Blocks and be a non-conforming prisoner. I'd use different terms, but I told him that I wanted transfer to the H Blocks. I was then located down on D-3 wing and told that I'd be locked in the cell 24 hours per day. I guess they think that a few weeks or months of solitary confinement will change my mind. I told them to read my book, "Standing Proud."

I settled into my cell. At least my window was open. It was partially blocked by a metal plate. This was to stop the vision of snipers. "Great," I said, but a small gap gave me sight of Belfast City Hall. The window was also a source of noise to break the silence of solitary. Daily I could hear gun fire, armored tanks, helicopters and the odd bomb explosion. Crumlin Road prison was also tense. I could hear yells of defiance and screams from A-Wing. The screws were not so friendly on A-Wing.

But I settled in. My first visit was a treat. My mother, father, and sister Ann were there. It was a strange delight to see them all on home turf. I guess we were all pleased that it was over, the many years of anticipation in America.

The visits are only 30 minutes per week, as with my four letters out per week. This was another dissatisfied encounter that I had to face and discipline myself for. But at least I could wear my own clothes, a reminder of our H-Block struggle and victory. Wearing black shoes, tan shirt and a neat pair of denims, all I needed was a pretty girl and a dance floor.

Now I await my transfer to the H-Block prison. News speculation is that British Secretary of State Brooke is reviewing my nine years spent in the U.S. Federal Prisons. What will happen I do not know. Making my choice of the H-Blocks and a status of political prisoner may have sealed my fate. But I am a political prisoner, always have been, always will.

I cannot conform to a system that denies us the fundamental right to freedom. My Irish Republicanism shall never be denied, not under pressure or attack from any source, whether Brooke, Bush, McDonagh or Mullen. I am an Irish Republican.

At this point I wish to follow up my farewell statement. I thank all of you for your steadfast commitment over the years. My stay in the U.S. was a wonderful experience. It certainly gave me and shall continue to give me a great strength to carry on.

Hopefully our nation shall benefit in its freedom. Then I shall revisit my friends in America.

NOTRE DAME HIGH SCHOOL DISPLAYS OUTSTANDING PUBLIC SERVICE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues the public service program of Peoria Notre Dame High School in the 18th Congressional District.

This public service program is part of Notre Dame High School's curriculum. In order to graduate, students must complete 100 hours of public service. No one has failed to meet this requirement thus far. This program is a great success and a wonderful incentive for students to give more of themselves to the community.

At this time I would like to insert into the RECORD articles by Jo Ann Newberg of the

Peoria Journal Star, which detail the great success of this program and the wonderful job the students are doing for our community.

[From the Peoria Journal Star]

HELPING, LEARNING, GRADUATING

(By Jo Ann Newberg)

One elderly resident of St. Joseph's Home can't wait for Mindy Montle to visit.

Montle, a senior at Peoria Notre Dame High School, takes the resident for wheelchair rides and reads to her. She breaks up the monotony of her friend's days.

Montle likes volunteering at the retirement home, because her grandfather once lived there. But she also does it because she wants to graduate.

Such volunteer efforts are part of the curriculum at Peoria Notre Dame, where students must complete 100 hours of public service before they graduate.

The program typifies what's happening across the country, as public high schools encourage students to give of themselves, and more and more parochial schools demand it.

In central Illinois, all high schools within the Peoria diocese require students to perform community service. So far, public schools have stopped short of making volunteerism a graduation requirement—but some believe they have the right to do so.

The state of Maryland and some schools in Atlanta are flirting with a graduation requirement of 75 hours of public service.

"There are good arguments for these kinds of programs," said National Education Association spokesman Charles Ericksen. "Local school districts and boards have the power to set curriculum and include it."

LEARNING TO CARE

At Peoria Notre Dame, Assistant Principal Sister Roberta Bussan, coordinator of the school's Christian Service Program, said students help the poor and disadvantaged in our four areas—the parish, the community, the school and independent projects.

"Students learn to live the gospel, to care for one another in the spirit of Christ," Bussan said.

She said the program grew out of separate volunteer projects in religion or sociology classes at Bergan and Academy of Our Lady/Spalding high schools before they merged into Notre Dame.

"I researched schools across the country that had similar programs to see what they do," Bussan said. "We decided 100 hours was manageable for students over a four-year period.

"The 100 hours start with the class of 1993. Other classes already in place had to complete fewer hours. No one has failed to meet the requirements."

Joe Benning, superintendent of schools in the Peoria diocese, said all Catholic high schools in the diocese have volunteer service requirements for graduation.

"They are very similar to the volunteer program at Peoria Notre Dame, but may vary in the number of hours required," he said.

Barbara Keebler of the National Catholic Education Association in Washington, D.C. said compulsory volunteer service in parochial schools is in place across the nation.

"It depends on the individual dioceses," she said, "but the majority of them require it."

The scope of Notre Dame's service to the community is enormous, considering there are 880 students at the school. If each student completes 25 hours of volunteer service each year, the community receives 22,000 service hours annually.

MANY PROGRAMS

Students earn volunteer hours in their churches, teaching CCD classes and assisting in after-care programs in parish schools. They coach grade-schools teams and act as lectors and servers at mass.

In community programs, volunteers help in nursing homes and hospitals, or at agencies like the Red Cross, March of Dimes, lung and heart associations and St. Jude's. Others help via Lakeview Museum or park district programs.

In-school projects include Kiwanis Key Club community service and the Kids on the Block program, to increase awareness of people with disabilities. Students are peer counselors and retreat ministers, or work on the Christmas food drive or semi-monthly collections for parish food pantries.

"The program is promoted through religion classes," Bussan said. "Some of our students work in areas they are interested in as a future profession. They develop a sense of volunteerism. It's the hallmark of our American society and extremely important to give time, energy and resources to help others.

"It helps the student's self-esteem and sense of outreach to help the community," she said.

DISTRICT 150

In Peoria District 150 high schools, volunteerism is not compulsory, although students perform many hours of community service via clubs and student councils.

John Day, community relations director of Peoria public schools, lauded Peoria High School's recent blood drive organized entirely by students, who donated 100 pints of blood to the Red Cross.

"The schools donated over 24,000 food items last Christmas," he added. "Food went to the Salvation Army, Neighborhood House and several other pantries and agencies. A lot of agencies told us they couldn't meet the demand without help from the schools."

Dick Greene, Peoria High principal, said his students have an active Key Club.

"Ken Stetzler is the sponsor, and they do a great job. Also the Student Council does a lot. They collected and distributed 75 food baskets for the Salvation Army at Christmas."

He said student musicians entertain at nursing homes that are under the umbrella of the Jefferson Bank, Peoria High's Adopt-A-School partner.

At Manual High School, Principal Eric Johnson noted the annual recognition of student volunteers, who are awarded certificates, school letters and plaques for each year that they complete 150 volunteer hours.

Johnson said organizations that foster community service include the National Honor Society and Key Club.

"All the high schools have a pool of kids who volunteer," Johnson said. "It's good for youngsters to give back to the community and help others. It gives them a good feeling. In the metropolitan area, there are a lot of teens reaching out and helping people."

Dave Barnwell, principal at Woodruff High School praised Key Club and its community outreach programs such as food drives for the needy and window washing at London House, the Kiwanis retirement center.

"We have five Adopt-A-School partners. One of them is Methodist Hospital. We have a unique program through Methodist called Kid-Safe. Any Peoria County grade school can bring their first- and second-graders to Woodruff for a program teaching them what to do in emergencies, how to dial 911 and things like that.

"Our students act as guides and hosts and hostesses for the kids. We have 30 to 40 schools here in a two-day period."

Barnwell added that the Woodruff Student Council organizes Christmas food basket collections and outreach projects in the Woodruff community.

Richwoods Student Council and Key Club are core groups for student volunteerism, according to Principal Jay McCormick.

"Key Club is very active with about 100 members. The Student Council has a core group of 25 kids. They sponsor various activities like food drives and the Walk-A-Thon with Proctor Hospital, our Adopt-A-School partner."

Meanwhile, Peoria Christian High Principal Mike Kruger said the annual senior class trip incorporates mission or outreach projects. Bible classes include volunteer service. The school requires no volunteer hours for graduation, but staff is looking into it, he said.

TEACHING, BUILDING, COOKING AMONG STUDENTS' VOLUNTEER EFFORTS

Notre Dame High School students must earn 100 hours of volunteer service to church and community before they graduate.

Here's how a few are completing their service requirement.

Brian Dotzert volunteers at SHARE Foods distribution center for low-income families.

"I count out fresh vegetables and put them in bags, box them up and take them to different parishes," he said.

He works two days a month. "The same guys are there all the time, and I got to be good friends with them. Retired people volunteer there and help out a lot," he said.

Senior Tim Carroll volunteers in the South Side Office of Concern food commodity program for low-income families. He often carries canned foods to cars of elderly clients.

Sister Roberta Bussan, program director, said, "They needed four or five boys for heavy lifting. Two girls work in the office and register families."

Josh Dooley, a junior, has taught CCD (Confraternity of Christian Doctrine) classes to first-graders at St. Edward's parish in Chillicothe for three years. Bussan said Dooley's long-term commitment is typical of many students, especially those who work in their parishes.

Dooley, who hopes to be a math teacher one day, enjoys the children.

Cindy McCabe, a junior, and sophomore Robert Hawks volunteer at hospitals. McCabe has donated 165 hours to Saint Francis Medical Center, transporting patients to rooms, helping discharge patients and running errands for nurses.

"I've met all kinds of different people," she said. "I like discharging new mothers and their babies and seeing the families so happy."

Hawks has volunteered almost 200 hours in the Methodist Medical Center emergency room and is continually learning from doctors. He cleans rooms, transports patients and runs errands.

"One of the doctors asked me to help with sutures and that was pretty neat," he said. "I got to cut the suture for him. Some doctors really help you learn." Hawks plans to be a doctor.

Erin Ness, a junior, worked two summers with a mission to Appalachia, sponsored by his church, Redeemer Lutheran. In North Carolina, he repaired homes of mountain dwellers, helping with plumbing, septic fields, roofing and siding. His sister, Sanee, who graduated from Notre Dame last year, also went on the mission.

"I made a lot of friends," Ness said. "Kids are there from all over. We make fun of each other's accents. The people on the mountain are laid back and happy. One family owns a mountain and invites us every year to spend a day with them. Their family has always lived there."

Sophomore Emily Newson volunteers at St. Patrick's Daycare Center three or four days a week in the summer. "It's really fun," she said. "I went there when I was little and now I have a chance to help. I remember a lot of the teachers. I help in the kitchen. I like being with the kids and want to be a child psychologist."

Mark Kraft, a senior, volunteers at Casa de Santa Maria, a Notre Dame Spanish class project that began in February. Marie Traska is the teacher.

Volunteers tutor bilingual pupils, mostly Mexican, through Catholic Social Service in a building on Bryan Street. Rosa Grow directs the program.

The tutoring project was initiated by students as an outgrowth of a Christmas party the Spanish class hosted for the young children.

"One of the kids never brought his homework, but now he does," Kraft said. "His teachers called us and said he's really improved." Kraft also is a peer tutor in Spanish and a volunteer at wrestling camps.